



## **COUNCIL MEETING NOTICE/AGENDA**

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**DATE: July 20- 21, 2010**

**TIMES: 10:00 AM - 5:00 PM\***

**9:00 AM – 5:00 PM\***

*(\*ending time for this meeting is approximate only and is intended solely for the purpose of travel planning only)*

**PLACE: Doubletree Hotel**

**2001 Point West Way**

**Sacramento, CA 95815**

**916-929- 8855**

*Pursuant to Government Code Sections 11123.1 and 11125(f), individuals with disabilities who require accessible alternative formats of the agenda and related meeting materials and/or auxiliary aids/services to participate in the meeting, should contact Julian Garcia at: 916-322-9575 or email: [council@scdd.ca.gov](mailto:council@scdd.ca.gov). Requests must be received by 5:00 PM, Wednesday, July 14, 2010.*

### **AGENDA FOR 7/20/10\***

*[\*Note: Breaks will be announced as needed. Items may be taken out of order to ensure appropriate flow of meeting]*

#### **10:00 A.M.**

**1. CALL TO ORDER: (M. Good)**

**2. ESTABLISHMENT OF QUORUM: (M. Good)**

**3. WELCOME/INTRODUCTIONS: (M. Good)**

**4. PUBLIC COMMENTS:**

*[This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Council on any matter not on the agenda. Each member of the public will be afforded up to three minutes to speak. Written requests, if any, will be considered first. Additionally, the Council will provide a public comment period not to exceed seven minutes total for all public comments prior to Council action on each item.]*

**5. COUNCIL ACTIONS AND DISCUSSION ITEMS:**

*The Council may take action based on information presented.*

**A. CLOSED SESSION- APPOINTMENT OF AREA BOARD 12 EXECUTIVE DIRECTOR**

Pursuant to Government Code Section 11126(a)(1), the Council will hold a closed session under the personnel exception of the Bagley-Keene Open Meeting Act to consider the appointment and/or employment of a public employee.

**B. CLOSED SESSION- APPOINTMENT OF SCDD EXECUTIVE DIRECTOR**

Pursuant to Government Code Section 11126(a)(1), the Council will hold a closed session under the personnel exception of the Bagley-Keene Open Meeting Act to consider the appointment and/or employment of a public employee.

**6. ADJOURNMENT**

**(M. Good)**

**AGENDA FOR 7/21/10\***

*[\*Note: Breaks will be announced as needed. Items may be taken out of order to ensure appropriate flow of meeting]*

**9:00 A.M.**

**1. CALL TO ORDER:**

**(M. Good)**

**2. ESTABLISHMENT OF QUORUM:**

**(M. Good)**

**3. WELCOME/INTRODUCTIONS:**

**(M. Good)**

**4. PUBLIC COMMENTS:**

*5.[This section is for members of the public only; and is to provide the public an opportunity to comment and/or present information to the Council on any matter not on the agenda. Each member of the public will be afforded up to three minutes to speak. Written requests, if any, will be considered first. Additionally, the Council will provide a public comment period not to exceed seven minutes total for all public comments prior to Council action on each item.]*

**5. APPROVAL OF MINUTES:**

**(M. Good)**

The Council will review the minutes from the May 2010 meeting.

**6. CHAIR'S REPORT:**

**(M. Good)**

**7. INTERIM EXECUTIVE DIRECTOR'S REPORT:**

**(L. Hoirup)**

## 8. AGENCY REPORTS:

- A. Health and Human Services Agency
- B. Department of Developmental Services
- C. Department of Rehabilitation
- D. Department of Education
- E. Department of Aging
- F. Department of Health Care Services

## 9. COUNCIL ACTIONS AND DISCUSSION ITEMS:

*The Council may take action based on information presented.*

- A. CLOSED SESSION REPORT: (M. Good)
- B. BYLAWS CHANGES: (M. Good)
- C. POLICY APPROVAL: (R. Knott) **YELLOW**
- D. BUDGET REPORT: (M. Danti) **PURPLE**
- E. EXECUTIVE COMMITTEE REPORT: (R. Knott)
- F. ADMINISTRATIVE COMMITTEE REPORT: (S. Dove)
- G. LEGISLATIVE AND PUBLIC POLICY COMMITTEE REPORT: (J. Aguilar) **GRAY**
- H. STRATEGIC PLANNING COMMITTEE REPORT: (O. Raynor)
- I. PROGRAM DEVELOPMENT COMMITTEE REPORT: (L. Cooley) **CREAM**
- J. SPONSORSHIP REQUESTS: (If needed) (M. Rosenberg) **GREEN**

The Council will be asked to review and either approve or deny any Sponsorship Request(s). The Council allocates up to \$25,000 for Sponsorships every year.

- K. WAIVER REQUESTS: (If needed) (L. Hoirup) **BLUE**

The Council will be asked to review and either approve or deny any Waiver Request(s).

- L. AREA BOARD COUNCIL REPRESENTATIVE REPORTS: (L. Hoirup) **PINK**

The Council regularly receives updated reports from all 13 Area Boards that highlight local priorities and activities.

- 10. NACDD REPORT (M. Good)

**11. FEDERAL DD PARTNERS**

**(M. Good)**

The Federal DD Partners consisting of the State Council, Disabilities Rights California and the University Centers of Excellence for People with Developmental Disabilities.

**12. EMPLOYMENT FIRST**

**(M. Rosenberg)**

**13. QUALITY ASSESSMENT UPDATE**

**(R. Newton)**

**14. ADJOURNMENT**

**(M. Good)**

**Next Council Meeting: September 21-22, 2010**

**Doubletree Hotel, 2001 Point West Way**

**Sacramento, CA 95815 916-929-8855**



**Minutes  
May Council Meeting  
Doubletree Hotel**

**May 27, 2010**

**Members Present**

<i>Max Duley</i>	<i>Terri Delgadillo</i>
<i>Nicole Smith</i>	<i>Shirley Dove</i>
<i>Randi Knott</i>	<i>Catherine Blakemore</i>
<i>Olivia Raynor</i>	<i>Leroy Shipp</i>
<i>Lisa Cooley</i>	<i>Robin Hansen</i>
<i>Jennifer Walsh</i>	<i>Dean Lan</i>
<i>Michael Bailey</i>	<i>Emily Matlack</i>
<i>Lori Kay</i>	<i>Ray Ceragioli</i>
<i>Steve Silvius</i>	<i>Ted Martens</i>
<i>Jennifer Allen</i>	<i>Patty O'Brien-Peterson</i>

**Staff Present**

*Laurie Hoirup*  
*Melissa Corral*  
*Julian Garcia*  
*Area Board Directors*

**Not Present**

<i>Robert Jacobs</i>	<i>Bill Moore</i>	<i>Dan Owen</i>	<i>Marcia Good</i>
<i>Jorge Aguilar</i>	<i>Megan Juring</i>	<i>David Mulvaney</i>	<i>Lynn Daucher</i>
<i>Dan Boomer</i>			

**1. CALL TO ORDER**

Council Chair was not present, so the meeting was called to order by Council Vice-Chair Knott.

**2. ESTABLISH QUORUM:**

Council Vice-Chair Knott established that there was quorum to begin the meeting.

### **3. WELCOME/ INTRODUCTIONS**

Council Vice-Chair Knott started introductions, which included the Council, staff and the public.

### **4. PUBLIC COMMENT**

Executive Director of People First of California, Joe Meadours attended two conferences recently, one in Washington DC and the other in Portland, Oregon. People First's Conference is in three weeks and have 450 people signed up for it.

Raymond Andrews spoke about his organization that helps people with multiple neurological disorders.

### **5. APPROVAL OF MINUTES**

It was moved by Council Member Hansen, seconded by Council Member Dove, to approve the minutes from the March Council meeting. Motion carries.

### **6. APPROVAL OF COUNCIL MEETING DATES FOR 2011**

It was moved by Council Member Shipp, seconded by Council Member Bailey, to approve the meeting dates for 2011. Motion carries.

### **7. CHAIR'S REPORT**

Council Vice-Chair Knott stated Capitol Action Day was a success. The Council has received about 10 applicants for the Executive Director position from 4/1/10 to 5/17/10 and on 7/20/10 the Council will have an opportunity to review the top 2-3 candidates.

### **8. INTERIM EXECUTIVE DIRECTOR'S REPORT**

Interim Executive Director Hoirup reported that the SCDD still continues to move forward despite the low staff levels. Staff has progressed on the search for the Executive Director, as well as for Executive Director for Area Board 12. There was no movement on the appointments to the Council.

**9. AGENCY REPORTS****A. HEALTH AND HUMAN SERVICES AGENCY**

There was no report at this time.

**B. DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)**

Council Member Delgadillo reported that May Revise does not place anymore additional cuts on the system and replace \$200 M of Prop 10 dollars that would give us \$50 M of it. There is also an additional \$53.5 M of Federal dollars that we get as a result of ICF- DD issues. Both houses have OK'd the Denti-Cal program.

**C. DEPARTMENT OF REHABILITATION (DOR)**

There was no report at this time.

**D. DEPARTMENT OF EDUCATION (DOE)**

There was no report at this time.

**E. DEPARTMENT OF AGING (DOA)**

Designee Smith reported that there were no changes and no additional cuts in the May Revise for DOA.

**F. DEPARTMENT OF HEALTH CARE SERVICE (HCS)**

Council Member Lan highlighted several areas in which HCS will be making adjustments to recover and instill programs that improve the health system for consumers and beneficiaries.

**9. COUNCIL ACTIONS AND DISCUSSION ITEMS****A. ADA 20<sup>TH</sup> ANNIVERSARY CELEBRATION**

Council Members and Council Staff will have a booth at the Capitol for a celebration of the 20<sup>th</sup> Anniversary of the American with Disabilities Act. We are sponsoring the event by giving \$2000, which will purchase tickets for the Rivercats game on 7/28/10, to provide to a non-profit organization. The purpose of the event is to educate and inform.

### **C. EXECUTIVE COMMITTEE REPORT**

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Council Vice-Chair Knott reported the committee discussed the next sequence of events for the selection of a new Executive Director, asked staff to update and have a draft prepared of the Bylaws by the next committee meeting. At the next committee meeting, the Employment First Ad Hoc Committee will be formed and set dates to meet with Assembly Member Beall and his staff.

### **D. ADMINISTRATIVE COMMITTEE REPORT**

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Council Member Dove reported that Capitol Action Day was a success in handing out SCDD posters to attendees. The QA project with DDS is presently being implemented and will be surveying adults with disabilities throughout the state.

### **E. LEGISLATIVE AND PUBLIC POLICY COMMITTEE REPORT**

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It was moved by Council Member Blakemore, seconded by Council Member Dove to support the staff recommendations of all the State bills. Motion carries.

It was moved by Council Member Shipp, seconded by Council Member Duley, to support the staff recommendations of all the Federal bills. Motion carries.

### **F. STATE PLAN AND STRATEGIC PLANNING COMMITTEE REPORT**

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Council Member Raynor reported the Strategic Plans are moving ahead of schedule and the majority of Area Boards have approved plans or in the final stages. The committee will bring to the November Council meeting a draft State Plan and will continue the process of aligning the State Plan with the actual work of the committees.

### **G. PROGRAM DEVELOPMENTAL COMMITTEE REPORT**

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Council Member Cooley stated that the committee met 4/20/10 to review a grant proposal from People First of California, sent a letter with recommended provisions and will be completed by 6/29/10.

#### ***H. SPONSORSHIP REQUEST***

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There were no Sponsorships at this time.

#### ***I. WAIVER REQUEST***

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It was moved by Council Member Dove, seconded by Council Member Silvius to support the Area Board 1 recommendation of approval for the waiver. Motion carries.

#### ***J. AREA BOARD REPRESENTATIVE REPORT***

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Several reports were handed out at the meeting while the rest of the reports were part of the Council packet.

#### ***10. ADJOURNMENT***

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**Agenda Item: 9 B**  
**Date: Wednesday, July 21, 2010**  
**Meeting: July Council Meeting**

## **Detail Sheet for: Bylaws Revisions**

### **What is this agenda item about?**

The Executive Committee recommended that staff counsel revise the current SCDD bylaws to ensure legal compliance and also incorporate several procedural changes.

On June 9, 2010 during the last Executive Committee Meeting, staff counsel presented her recommendations and action was taken to accept the revisions as presented and also submit them for final approval to the Council.

### **What has the Council done about this so far?**

The Council has taken no action thus far.

### **What needs to be decided at this meeting?**

The Council needs to review and discuss/take action on the bylaws revisions.

Included in this packet are the actual bylaws revisions and a summary of the revisions which identify each change as either a: 1) technical change that brings the bylaws into compliance with current law or, 2) more substantive change which is described in detail.

### **What is the committee or staff recommendation?**

The Executive Committee accepted the bylaws revisions and recommend approval from the Council.

Staff counsel recommends that the bylaws revisions be approved with the exception of the change in quorum. Currently, the Council defines their quorum as a majority of the membership regardless of appointment status (quorum of 31 members is 16) while the proposed revision would reduce the quorum requirement to a majority of appointed members (quorum of 26 appointed members would be 14.)

This detail sheet was prepared by Melissa C. Corral. If there is anything about this detail sheet that you do not understand, please call 916-322-5602 or email [melissa.corral@scdd.ca.gov](mailto:melissa.corral@scdd.ca.gov)

While this change would make quorum easier to meet, staff counsel advises that the matter be submitted to the Attorney General's Office for an official legal opinion. The basis for her recommendation is because: 1) the Council has operated under the principle of a firm quorum for many years, 2) there is no clear legal authority on the matter, 3) area boards would also benefit from seeking clarity, and, most importantly, 4) it would ensure legal compliance of future Council action under a reduced quorum.

Finally, since the Council has operated under the firm quorum principle for many years, it would not create an undue hardship to submit the matter for a formal legal opinion.

**Are there attachments?**

Yes: 1) description of bylaws revisions, 2) actual bylaws revisions.

# State Council on Developmental Disabilities



**BY-LAWS**



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# CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

## BY-LAWS

(Revised – June 2010)

### **ARTICLE I. NAME & DEFINITIONS**

The name of this organization shall be the State Council on Developmental Disabilities.

### **ARTICLE II. RESPONSIBILITIES**

The responsibilities of the State Council on Developmental Disabilities shall be as set forth in 42 United States Code Section 51001 et. seq. and Sections 4433.5 and 4520 et. seq. of the California Welfare and Institutions Code.

### **ARTICLE III. PRINCIPAL OFFICE**

The principal office of the Council shall be located in the County of Sacramento, California. The Council may change the principal office from one location to another within the county.

### **ARTICLE IV. AREA OF SERVICE**

The area of service shall be the State of California.

### **ARTICLE V. MEMBERSHIP**

Appointment to the Council requires each member to fully discharge his/her duties consistent with the responsibilities of representing persons with developmental disabilities. The membership of the Council shall consist of the categories of people in accordance with state and federal law.

#### **SECTION 1. Appointments:**

Pursuant to Division 4.5, Chapter 2, Article 1, Section 4521 (b)(1), (2), and (3) of the Welfare and Institutions Code, there shall be **thirty-one (31)** voting members on the Council appointed by the Governor, as follows:

- (a) **Twenty (20) members of the Council** shall be persons with a developmental disability or parents, siblings, guardians or conservators of these persons. In these By-laws these persons are referred to as consumer members. Of the 20 members, thirteen (13) shall each be current members of the 13 Area Boards, one member from each board and representing consumers and families in their local catchment area; **and, seven (7) shall be members at large that are comprised as follow: three (3) persons with developmental disabilities; one (1) person who is a parent, immediate relative, guardian, or conservator of a resident in a developmental center; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community; one (1) person who is a parent, immediate relative, guardian, or conservator of a person with a developmental disability living in the community nominated by the Speaker of the Assembly; and, one (1) person with a developmental disabilities nominated by the Senate Committee on Rules.**

- (b) **Eleven (11) members of the** Council shall include: directors or members, as appropriate, of State departments or agencies or of local agencies as prescribed in state and federal laws. These persons are referred to as agency representatives in these By-laws and shall **include three (3)** members appointed to represent the University Centers for Excellence (UCE) programs funded by the Administration on Developmental Disabilities as the **three** California UCEs.
- (c) Prior to appointing the **thirty-one (31)** members, the Governor shall request and consider recommendations from organizations representing or providing services, or both, to persons with developmental disabilities and shall take into account socioeconomic, ethnic, and geographic considerations of the state. The Council may, at the request of the Governor, coordinate Council and public input to the extent feasible to the Governor regarding recommendations for membership.

## **SECTION 2. Term of Office:**

The term of office on the State Council shall be in accordance with state law. The term of each consumer member shall be for three years. In no event shall any consumer member serve for more than a total of six years.

## **SECTION 3. Conflict of Interest:**

Pursuant to California Welfare and Institution Code Section 4525 the Council's approved Conflict of Interest Policy, is incorporated by reference into these By-laws.

## **SECTION 4. Vacancies:**

A vacancy on the Council exists if any of the following events occur before the expiration of the term:

- (a) The death of the member.
- (b) An adjudication pursuant to a legal proceeding declaring that the member is physically or mentally incapacitated due to disease, illness, accident, or other condition, and that there is reasonable cause to believe that the member will not be able to perform the duties of office for the remainder of his/her term.
- (c) The member's resignation.
- (d) The member's removal from office.
- (e) The member's ceasing to be a legal resident of the state or the area the member was appointed to represent.
- (f) The member's absence from the state without the permission required by law beyond the period allowed by law.
- (g) The member's ceasing to discharge the duties of his/her office for the period of three consecutive ~~months~~ **meetings**, except when prevented by sickness, or when absent from the state with the permission required by law. After three (3) consecutive unexcused absences, a member shall be considered as having ceased to discharge the duties of Council membership. An unexcused absence is

an absence of a member when previous notice of absence has not been given to the Council Chair or Committee Chair and to the Executive Director by telephone, email, or mail.

- (h) The member's conviction of a felony or any offense involving a violation of his/her official duties. A member shall be deemed to have been convicted under this section when trial court judgment is entered.
- (i) The member's refusal or neglect to file his/her required oath or declaration of conflict of interest within the time prescribed.
- (j) The decision of a competent tribunal declaring void the member's election or appointment.
- (k) The making of a vacating order or declaration of vacancy.
- (l) The member assumes a position or responsibility that violates the Council's conflict of interest policy.

The Governor shall be notified when a vacancy occurs and shall appoint a person to serve the unexpired term of the member being replaced.

#### **SECTION 5. Resignations:**

Members shall serve a designated term unless they resign, or are otherwise disqualified to serve, or until successors have been appointed. Any member may resign at any time by giving written notice to the Chairperson and to the Executive Director. Such resignation shall take effect on the date of receipt of such notice or any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

#### **SECTION 6. Compensation and Expenses:**

Consumer members of the State Council shall receive honoraria pursuant to Government Code 11564.5, and Welfare and Institution Code Section 4550 not to exceed fifty (50) days in any fiscal year. All members shall be reimbursed for any authorized actual and necessary expenses incurred in connection with the performance of their duties as Council members, in accordance with state regulations in the State Administrative Manual.

### **ARTICLE VI. MEETINGS**

#### **SECTION 1. Parliamentary Authority:**

- (a) All meetings of the Council and its committees are public meetings shall be governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et. seq.).
- (b) The rules contained in the current edition of Robert's Rules of Order shall govern all be utilized as the rules for all Council and committee meetings except in instances of conflict with these By-laws, or provisions of State or federal statutes law or regulations. The Vice-Chairperson shall serve as Parliamentarian.

- (c) The Council may adopt, from time-to-time, such policies and rules for the conduct of its meetings and affairs as may be required.

## **SECTION 2. Meetings:**

- (a) There shall be no less than six (6) and no more than twelve (12) meetings of the Council per year.
- (b) Special meetings of the Council may be called by the Chairperson or, in case of absence or inability to act by the Chairperson, by the Vice-Chairperson. In case of a refusal to act by the Chairperson, a special meeting may be called by written request of nine (9) members of the Council. Only matters specified in the written notice of the meeting shall be considered at such a meeting.
- (c) Regular or special meetings of the Council shall be held at a place, date, and time designated by the Council or selected by the Chairperson.

## **SECTION 3. Quorum:**

- (a) A quorum for the Council shall be a simple majority of the seated Governor appointed members. Therefore, after each new member is appointed by the Governor to the Council, the Chair shall announce, at the next Council or Executive Committee meeting, the number of members required for quorum.
- (b) A quorum for each Council committee and sub-committee shall be a simple majority of the appointed members of that committee.

## **SECTION 4. Voting Rights of Members:**

- (a) Each member shall be entitled to one vote, to be exercised in person. Proxy voting shall not be permitted.
- (b) Except as otherwise specifically provided in State law or these By-laws, all matters submitted for determination shall be decided by a majority vote of those voting.

## **SECTION 5. Chairperson Pro Tem:**

If neither the Chairperson nor Vice-Chairperson is present to preside at a Council meeting, a chairperson pro tem shall be elected by the majority vote of the Council members present.

# **ARTICLE VII. OFFICERS**

## **SECTION 1. Officers:**

The officers of the Council shall be a chairperson and a vice - chairperson elected from among the consumer members. These officers shall perform the duties described in these By-laws.

## **SECTION 2. Election of Member Officers:**

Election of officers shall occur once every two years. The election shall be held during the last meeting of the appropriate calendar year. Only consumer members shall be eligible to hold office.

**SECTION 3. Voting Procedure:**

Council officers shall be elected by a majority vote ~~of the voting members~~. Recommendations for officers shall be in the form of nominations from the Nominating Committee. However, nominations may also be received from the floor prior to the election, but subsequent to the report of the Nominating Committee.

**SECTION 4. Term of Office:**

The Chairperson and Vice-Chairperson shall be elected for a term of two years. Individuals may be elected to these positions for no more than two consecutive terms. Their term of office shall begin the first day of the new calendar year.

**SECTION 5. Vacancies:**

If the Chairperson resigns or is permanently unable to serve during the term of office pursuant to Article V Section 4, the Vice-Chairperson shall become the Chairperson for the remainder of such term. Nominations and elections to fill the newly-vacated Vice-Chairperson position shall occur at the next noticed meeting of the Council. If the Vice-Chairperson resigns or is permanently unable to serve during the term of office, nominations and elections to fill the newly-vacated position shall occur at the next noticed meeting of the Council. The Chairperson shall appoint a Vice-Chairperson to serve until an election is conducted. The person so elected shall serve for the remainder of that term.

**SECTION 6. Duties of the Officers:**

- (a) Chairperson - The responsibilities of the Chairperson are: to preside at all meetings of the Council; to appoint chairpersons and members to all Council committees, except the Nominating Committees, to appoint Council representatives in relation to other agencies and consumer groups; and to represent the Council as needed. The Chairperson shall have full voting rights on all Council actions.
- (b) Vice-Chair - The responsibilities of the Vice-Chairperson are to perform all the duties of the Chairperson if the Chairperson is absent or if the Chairperson requests the Vice-Chairperson to do so. When acting in the capacity of the Chairperson, the Vice-Chairperson has the same authority as the Chairperson. The Vice-Chairperson also, serves as Chair of the Executive Committee and as Parliamentarian.

**SECTION 7. Removal from Office:**

Action to remove a member officer shall be in accordance with the following procedure:

- (a) Written notification must be submitted by registered mail to the Executive Director from Council member(s) describing the specific cause for which removal is sought.

- (b) The Executive Director shall notify the member officer charged by registered mail within two (2) working days of receiving the charges. Any member so notified shall have ten (10) days to respond to the group or individual responsible for notification. Following this ten (10) day period, the responsible parties shall notify the Executive Director within ten (10) days as to whether or not they wish to request removal of the officer. If the responsible parties are satisfied by the officer's response that no sufficient cause exists, the matter will be closed with written notice to the Executive Director and to the officer.
- (c) If the group or individual requesting removal is not satisfied by the response of the officer or if the officer fails to respond in ten (10) days, the Executive Director shall put the issue on the agenda at the beginning of the next Council meeting and inform the Council members as to the purpose of the agenda item.
- (d) Written charges shall be distributed and reviewed at the specified meeting of the Council.
- (e) ~~An affirmative vote of two-thirds~~ majority vote of the members shall be required to remove a chairperson or vice-chairperson from office. If removal of the Chairperson is under consideration, the vice-chairperson shall preside.

## **ARTICLE VIII. EXECUTIVE DIRECTOR**

### **SECTION 1. ~~Employment~~ Appointment:**

- (a) The Executive Director of the Council shall be ~~hired~~ appointed by and serve at the will of the Council in a position exempt from all civil service requirements pursuant to the California Constitution, Article 7, section 4(b) and Welfare and Institutions Code Section 4551(a)(2). The appointment of the Executive Director shall occur during a regular or special meeting of the Council.
- (b) A performance review of the Council Executive Director shall be coordinated by the Executive Committee and conducted annually by the full Council.

### **SECTION 2. Responsibilities and Duties:**

- (a) The Council Executive Director shall be the chief administrative officer of the Council and shall have all the authority and responsibility assigned to the director of a state agency including budget, personnel, and contractual transactions. These include authority for entering into and execution of agreements on behalf of the Council in order to implement the policies of the Council.
- (b) The Council Executive Director shall be under the direction and control of the Council and shall do and perform such other duties as may be assigned by the Council.



- (c) The Council Executive Director shall serve as clerk to the Council.

### **SECTION 3. Removal:**

- (a) Action to remove the Executive Director of the Council shall be conducted in accordance with applicable Open Meeting Laws governing personnel matters pursuant to Government Code Section 11120, et. seq.
- (b) The Executive Committee of the Council may recommend removal of the Executive Director during a regular or special meeting. This recommendation shall be taken to the Council during a regular or special meeting for discussion and action.
- (c) A majority vote, during a regular or special Council meeting, shall be required to remove the Executive Director from his or her exempt appointment.

## **ARTICLE IX. COMMITTEES**

### **SECTION 1. Authority:**

- (a) Subject to the provision of these By-laws, all committees, ~~with the exception of the Executive Committee,~~ shall be advisory and ~~no committee shall not~~ have the power to bind the Council except when specifically authorized by the Council to do so. ~~All committee Recommendations made by advisory committees~~ shall be presented to the Council for adoption in the form of a motion.
- (b) Subject to provision of these By-laws, a vacancy in the membership of a committee, except the Nominating Committee, may be filled by the Council Chairperson.
- (c) A quorum for each committee shall be a simple majority of the ~~A majority of the Council member of the committee~~ **members of that committee**. ~~constitutes a quorum for transaction of business of that committee.~~
- (d) A committee may meet upon call of the chairperson of the committee or the Council Chairperson.
- (e) Unless otherwise specified in these By-laws, the Chairperson and the Executive Director of the Council shall serve ex officio, without vote, on all committees, except the Nominating Committee.
- (f) A committee member may be removed from the committee by the Council Chair after three (3) consecutive unexcused absences. An unexcused absence is an absence of a member when previous notice of absence has not been given to the Committee Chair or Executive Director or appropriate Deputy Director by telephone, e-mail or mail.

## SECTION 2. Standing Committees:

- (a) There shall be four (4) standing committees of the State Council:
  - (1) Executive Committee
  - (2) Administrative Committee
  - (3) Legislative **and Public Policy** Committee
  - (4) Program Development Committee
- (b) The chairperson and members of each of the standing committees shall be appointed by the Council chairperson. In the event of a vacancy for any reason in membership or the chair, a successor may be appointed by the Council Chairperson. In appointing standing committee chairpersons, the Council Chairperson may request volunteers from the Council's consumer members. All committee chairperson appointments shall be announced to the Council at the next available Council meeting.
- (c) The membership of all standing committees, except the Executive Committee, shall be open to non-members of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.
- (d) All members of the Council shall be expected to serve on at least one standing committee of the Council.
- (e) The charge of each of these committees shall be as follows:
  - (1) Executive Committee  
The Executive Committee shall serve as the coordinating/~~advisory~~ body to the Council. The Committee shall:
    - [a] Consist of the Council Chairperson, Vice-Chairperson chairperson of the Administrative Committee, chairperson of the Legislative **and Public Policy Committee**, chairperson of the ~~Planning and Program Development Committee~~, chairperson of the Strategic Planning Subcommittee and four (4) other Council members, at least two (2) of whom shall be consumer members.
    - [b] Be chaired by the Council Vice-Chairperson.
    - [c] Act on behalf of the Council as authorized between meetings, but shall not modify any action taken by the Council unless authorized by the Council to do so. The full Council at the next regular or special meeting shall receive a report of all Executive Committee actions taken between Council meetings and ~~ratify as necessary~~.

- [d] Make recommendations to the Council regarding approval of Community Program Development Grants (CPDG) projects to be funded, and allocations.
- [e] Appoint members of CPGD Grant Review team.
- [f] Provide ~~advice~~ **direction** to the Executive Director regarding the administration of Council resources.
- [g] Make recommendations to the Council regarding amendments to the By-laws, changes in committee structure or responsibilities.
- [h] Make recommendations to the Council regarding Council member training.
- [i] Make recommendations to the Council regarding the presentation of awards on behalf of the Council.
- [j] ~~Make recommendations~~ **Provide direction** to the Executive Director regarding Council meeting schedules and agendas.
- [k] Make recommendations to the Council regarding matters assigned by the Council or the Council Chairperson.
- [l] Make recommendations to the Council regarding the ~~hiring~~ **appointment**, evaluation, or ~~termination~~ **removal** of the Executive Director.
- [m] Monitor and evaluate State Plan implementation and submit findings to the Council.
- [n] Review and make recommendations to the Council regarding area boards' requests to initiate litigation per Welfare and Institution Code Section 4548(g)(4) and (6).
- [o] Coordinate the Council's ~~litigative~~ **litigation** activities, as needed, and make recommendations to the full Council.
- [p] Take action on all requests for Conflict of Interest Policy exceptions and make all determinations whether a conflict of interest exists.
- [q] **Make appointments to and receive recommendations from the Strategic Planning Sub-Committee.**

- [r] Recommend Council members to serve on the Nominating Committee at the September Council meeting for approval.

~~A majority of the members of the Executive Committee shall constitute a quorum.~~

#### 1. Strategic Planning Sub-Committee

The Subcommittee shall:

- (a) Advise the Executive Committee Council on the collection and reporting of information on needs, including unmet needs, priorities and emerging issues
  - (b) Make recommendations to the Council Executive Committee regarding policy priorities for the Strategic Plan and State Plan on Developmental Disabilities
  - (c) Assist the Council in the implementation and reporting the goals and objectives of the Council's Strategic Plan and State Plan.
  - (d) Coordinate planning implementation with the other Committees of the Council.
- of

#### (2) Administrative Committee

The Administrative Committee shall assist with monitoring the administrative and budgetary activities of the Council. The Committee shall:

- [a] Be composed of at least three (3) Council Members
- [b] Make recommendations to the Council regarding allocation of discretionary fiscal resources and other budgetary issues.
- [c] Make recommendations to the Council regarding budgeting for anticipated fiscal resources among Council operations and specific service priorities for inclusion in the State Plan and the Governor's budget.
- [d] Make recommendations to the Council regarding monitoring and evaluating administrative contracts and agreements.
- [e] Make recommendations to Council regarding all contracts and

agreements.

[f] Monitor and evaluate administrative contracts and agreements; and take actions authorized in all Council contracts and agreements.

[g] Make recommendations to the Council regarding administrative matters and policies.

~~A majority of the Council Members of the Administrative Committee shall constitute a quorum.~~

(3) Legislative and Public Policy Committee

The Legislative and Public Policy Committee shall ~~monitor the implementation of Division 4.5 of the California Welfare and Institutions Code and the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq) and implement State Plan objectives as assigned by the Council. The Committee shall:~~

[a] Be composed of at least seven (7) members.

[b] ~~Review and comment on pertinent plans, operations, proposals, and budgets of all State agencies serving people with developmental disabilities.~~

[c] Review and comment on significant proposed legislation and/or proposed regulations.

[d] Recommend legislation consistent with Council's responsibilities and objectives.

[e] Recommend initiatives and policies consistent with Council responsibilities and objectives.

[f] ~~Monitor and evaluate the effectiveness of appeals procedures established in the Lanterman Developmental Disabilities Services Act.~~

[g] Provide testimony and recommendations to the Legislature with regard to fiscal or policy matters pertaining to people with developmental disabilities.

[h] ~~Review and report to the Council regarding alleged systemic violations of clients' rights.~~

[i] ~~Review and report to the Council regarding systemic issues related~~

~~to the implementation of Division 4.5 referred to the Council.~~

- [j] Respond to other responsibilities as assigned by the Council or Council Chairperson.

~~A majority of the Council members of the Legislative Committee shall constitute a quorum.~~

(4) Program Development Committee

The Program Development Committee shall advise the Council in the development of policies **activities, projects and services** and projects designed to improve the quality of life for individuals with developmental disabilities and their families. ~~It will endeavor to bring together the various service coordinators and agencies in the system to provide a collaborative approach to planning and resource development.~~ The Committee shall:

- [a] Be composed of at least seven (7) members.
- [b] Make recommendations to the Council regarding **the** Community Program Development Grant (CPDG) application ~~notice~~ **process** and selected **suggested** priorities/criteria for proposals.
- [c] Develop methods to market and implement successful CPDG projects throughout the State.
- [d] Carry out other responsibilities as assigned by the Council or the Council Chairperson.

~~A majority of the Council members of the Planning and Program Development Committee shall constitute a quorum.~~

### **SECTION 3. Nominating Committee:**

The Nominating Committee shall provide advice to the Council relative to the annual election of Council officers. The Committee shall:

- (a) Be composed of at least three (3) and not more than five (5) Council members.
- (b) **Request input from Council members regarding interest to serve on the Nominating Committee at the July Council meeting.**
- (d) **Recommend Council members to serve on the Nominating Committee at the September Council meeting for approval.**

~~A majority of the Nominating Committee shall constitute a quorum.~~

#### **SECTION 4. Committees, Sub-Committees and Ad-Hoc Committees and Task Forces:**

- (a) Committees, Sub-committees, Ad-Hoc committees and Task Forces may be established by the Council to carry out assigned **specified** State Plan objectives and purposes of the Council.
- (b) The term of office **and**, qualifications ~~and method of appointment~~ of these groups' chairpersons and members shall be established by the Council. The membership of Sub-Committees and Ad-Hoc committees shall be open to non-members of the Council and shall be appointed by the Chairperson of the Council. The expenses of non-Council members may be reimbursed on the same basis as a Council member with the exception of the honorarium.

### **ARTICLE X. COUNCIL GENERAL PROVISIONS**

#### **SECTION 1. Certification and Inspection:**

The original or a copy of the By-laws, as amended or otherwise altered to date, certified by the Council shall be recorded and kept in a book that shall be kept in a location in the principal office of the Council, and such book shall be open to public inspection at all times during office hours.

#### **SECTION 2. Records, Reports and Inspection:**

- (a) The Council shall maintain or contract through an interagency agreement for adequate and correct accounts, books and records of all its business and properties.
- (b) Such records shall be kept at its principal place of business or available through any interagency agreement. All books and records shall be open to inspection by the Council and the general public, except those records or data regarding an employee, if such disclosure would constitute an unwarranted invasion of personal privacy, or records of the Council relating to its participation in a judicial proceeding.
- (c) An annual financial report and budgets shall be available for inspection at the Council's principal place of business.

### **ARTICLE XI. AMENDMENTS OF BY-LAWS**

Subject to the limitations of federal and state law, these By-laws shall be reviewed annually. The Executive Committee shall be responsible for the annual review of the By-laws, submitting recommendations for adoption of new By-laws and amendments or repeal of existing By-laws to the Council. These By-laws may be amended or repealed or adopted by a **majority** ~~two-thirds~~ (2/3) vote of the Council Members ~~present at any meeting~~ at which a quorum is present and ~~substance~~ **a draft** of the proposed action having been submitted in writing to the Council at least

ten (10) days prior to the meeting.

## **ARTICLE XII. INDEMNIFICATION**

### **SECTION 1. Definitions:**

For the purposes of this Article XII, “agent” means any person who is or was a director or member as appropriate, officer, employee, or other agent of the Council. Proceeding means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative; and expenses include without limitation attorney’s fees and any expenses of establishing a right to indemnification under Section 4 or 5(b) of this Article XII.

### **SECTION 2. Indemnification in Actions by Third Parties:**

The Council shall have power to indemnify any person who was or is a party or is threatened to be made a party to any proceeding (other than an action by or in the right of the Council to procure a judgment in its favor, by reason of the fact that such person is or was an agent of the Council, against expenses, judgments, fines, settlements, and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Council and, in the case of a criminal proceeding, has no reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Council or that the person had reasonable cause to believe that the person’s conduct was unlawful.

### **SECTION 3. Indemnification in Actions by or in the Right of the Council:**

The Council shall have the power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action by or in the right of the Council, to procure a judgment in its favor by reason of the fact that such person is or was an agent of the Council, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the Council, and with such care, including reasonable inquiry as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 3:

- (a) In respect of any claim, issue, or matter as to which such person shall have been adjudged to be liable to the Council in the performance of such person’s duty to the Council, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;
- (b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or



- (c) Of expenses incurred in defending a threatened or pending action, which is settled or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.

#### **SECTION 4. Indemnification Against Expenses:**

To the extent that an agent of the Council has been successful on the merits in defense of any proceeding referred to in Section 2 or 3 of this Article XII or in defense of any claim, issue, or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

#### **SECTION 5. Required Determinations:**

Except as provided in Section 4 of this Article XII any indemnification under this Article XII shall be made by the Council only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Section 2 or 3 of this Article XII, by:

- (a) A majority vote of a quorum consisting of directors or members as appropriate, who are not parties to such proceeding; or
- (b) The court in which such proceeding is or was pending upon application made by the Council or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney, or other person is opposed by the Council.

#### **SECTION 6. Advance of Expenses:**

Expenses incurred in defending any proceeding may be advanced by the Council prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article XII.

#### **SECTION 7. Other Indemnification:**

No provision made by the Council to indemnify its or its subsidiary's directors or members as appropriate, or officers for the defense of any proceeding, whether contained in the Articles, Bylaws, a resolution directors or members as appropriate, or an agreement, or otherwise, shall be valid unless consistent with this Article XII. Nothing contained in this Article XII shall affect any right to indemnification to which persons other than such directors or members as appropriate, and officers may be entitled by contract or otherwise.

#### **SECTION 8. Forms of Indemnification Not Permitted:**

No indemnification or advance shall be made under this Article XII, except as provided in Section 4 or 5(b), in any circumstances where it appears:

- (a) That it would be inconsistent with a provision of the Articles, these By-laws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts

were paid, which prohibits or otherwise limits indemnification; or

- (b) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

# DESCRIPTION OF BYLAWS REVISIONS BY PAGE

As you may notice, a cover page and Table of Contents were added to the beginning of document to make it easier to access individual topic areas.

**Page 4: Section 1 – Appointments** – All revisions in this section are technical and necessary to ensure compliance with the Lanterman Act. In sum, the changes increase Council members from 29 to 31.

**Page 5: Section 1 – Appointments** – Once again, these are technical changes that add the MIND institute UCE to the Council, as required by the Lanterman Act and increase the Council membership to 31.

**Page 5: Section 4 – Vacancies** – This change changes the time period for removal of a Council member from three months to three meetings. In fact, a three month vacancy rule could result in the unintended effect of removing a Member after one absence.

**Page 6: Section 1 – Parliamentary Authority** - This change brings together all of the sections regarding the laws and rules for all Council and committee meetings. It clarifies that the meetings are deemed to be covered by Bagley-Keene (Open Meeting Law) and Robert's Rules of Order are used to govern process issues.

**Page 7: Section 3 – Quorum** – Although this section currently is written to reduce the number of Members required for quorum, staff counsel recommends that the Council continue with the former language that maintains the quorum of a majority of 31 (16). Staff Counsel also recommends seeking an Official Attorney General Opinion that clarifies the Council's authority to reduce the quorum requirement.

**Page 7: Section 4 – Voting Rights** – Technical change that adds the language "State law." Secondly, there is a change that makes the voting process consistent throughout the bylaws. In accordance with Robert's Rules, if only a majority vote is required, abstentions will not count towards the vote. However, the Council can elect to change the bylaws and require a majority vote of the members present. In that situation, abstentions have the same effect as "no" votes.

**Page 9: (d)** – Change that makes the voting process consistent.

**Page 9: Section 1 – Appointment of Executive Director** – This section identifies the legal authority of the appointment of the Executive Director and identifies that an appointment shall occur during a regular or special meeting of the Council.

**Page 9: Section 3 – Removal of Executive Director** - This change establishes a procedure for the removal of the Executive Director pursuant to Open Meeting Laws and the Council Bylaws.

**Page 10: Section 1 – Committee Authority** – (a) new language changes the Executive Committee from an advisory committee to a delegated authority committee that can take action in between Council meetings in conformity with current practice.

(c) since quorum is already addressed earlier in the bylaws, this section now conforms with the earlier statement.

**Page 11: Section 2 – Standing Committees** – technical name change only.

**Page 11 & 12: Executive Committee** – (a) Technical name change only.

(c) This change removes the ratification requirement.

(f) This change provides that the Executive Committee will provide direction rather than advice to the Executive Director.

(j) This change provides that the Executive Committee will provide direction rather than advice to the Executive Director.

(l) This change makes the language in the bylaws compliant with language in the Lanterman act.

(q) Since the Strategic Planning Subcommittee is a Subcommittee of the Executive Committee, this language was added to ensure an appropriate relationship between the two.

(r) This language was added to ensure that the Nominating Committee is appointed during the September Council meeting.

The last sentence was removed since quorum has been defined in two previous instances in the bylaws.

**Page 13 – Strategic Planning Subcommittee** – (a) this change was made to provide consistency in the relationship between the Executive Committee and its subcommittee. Any recommendations made by the Strategic Planning subcommittee should be approved by the Executive Committee before being submitted to the Council for approval.

**Page 13 – Strategic Planning Subcommittee** - (b) see above.

**Page 14 – Legislative and Public Policy Committee** – In addition to the technical name change, this change also shifts the responsibility of Lanterman Act oversight from the LPP committee to the Council as a whole.

**Page 14 – LPP Committee** – removes sections (b)(f)(h) and (i) from the LPP committee. This removal of responsibility is, once again, because these responsibilities are to be discharged by the Council as a whole and not by a committee.

The last sentence was removed since quorum has been defined in two previous instances in the bylaws.

**Page 15 – Program Development Committee** – clarifying language specifies areas of responsibilities for the PDC and eliminates extra language that falls within the responsibility of the Council as a whole.

**Page 15 – Program Development Committee** – (b) clarifying language that describes the PDC process more appropriately.

**Page 15 – Section 3 - Nominating Committee** – (b) and (c) language added that restructures the process for Nominating Committee. Before, the Executive Committee presented a slate of names to the Council as a whole for election. Now, interest and input is received from Council members during the July Council meeting. This process lends itself to a more inclusive process for the Nominating committee.

**Page 16 – Section 4 – Committees** – technical changes and clean-up.

**Page 16 – Amendments of bylaws** - Change that makes the voting process consistent. Also requires that a full draft of bylaws is presented (instead of a summary) ten days prior to the vote.



**Detail Sheet for:  
Reasonable Accommodation Policy and  
Stipend Policy**

**What is this agenda item about?**

The Council does not have a formal reasonable accommodation policy; although Council management follows a standardized reasonable accommodation process that ensures legal compliance, it is recommended that the Council adopt a formal reasonable accommodation policy at this time. The Council does have a stipend policy, it is recommended that the policy be updated to reflect changes in the Quality Assessment Project.

**What has the Council done about this so far?**

Council management currently adheres to all legal protocols regarding reasonable accommodation; however, the Council does not have a formal policy that governs this matter. The Council has approved a stipend policy; however, due to changes in the Quality Assessment Project, the policy needs to be amended to reflect those changes. The Administrative and Executive committees have both reviewed and approved of these policies.

**What needs to be decided at this meeting?**

The Council needs to discuss, evaluate, change and/or may take action on the attached policies.

**What is the committee or staff recommendation?**

Staff recommends that the Council take action to approve the reasonable accommodation policy and approve the revised stipend policy.

**Are there attachments?**

Yes; Draft policies.

This detail sheet was prepared by Laurie Hoirup. If there is anything about this detail sheet that you do not understand, please call 916-322-8481 or email [laurie.hoirup@scdd.ca.gov](mailto:laurie.hoirup@scdd.ca.gov)

# QUALITY ASSURANCE AND VOLUNTEER ADVOCACY SERVICES STIPEND POLICY STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

The Volunteer Advocacy Services (VAS) Project assists individuals living in developmental centers who have no legally appointed representatives to assist them in making choices and decisions. The VAS project is funded via an interagency agreement between the State Council on Developmental Disabilities and the Department of Developmental Services.

The Quality Assurance (QA) program is funded via an interagency agreement between the State Council and the Department of Developmental Services.

## STIPENDS

Stipends are provided to persons obtaining QA surveys and Volunteer Advocacy Services in accordance with the terms and conditions of the interagency agreements providing for these programs, all applicable laws and this policy. Employees of the State Council on Developmental Disabilities are not eligible to receive stipends for participation in the VAS or QA programs.

Stipends are paid for reimbursements for meals, transportation, lodging, and/or incidental expenses incurred by the person performing such services. Such expenses will not be independently reimbursed.

# CALIFORNIA STATE COUNCIL ON DEVELOPMENTAL DISABILITIES

## REASONABLE ACCOMMODATION POLICY

It is the policy of the California State Council on Developmental Disabilities (SCDD) to comply with the Americans with Disabilities Act (ADA), the Fair Employment and Housing Act (FEHA), and the comprehensive civil rights laws that prohibit discrimination against a qualified applicant or employee because of his/her disability. Under the ADA and FEHA, qualified individuals with disabilities must have equal access to all aspects of employment that are available to employees without disabilities.

Pursuant to the ADA and FEHA, the SCDD will provide, upon request, reasonable accommodation to a qualified applicant and/or employee with a disability to allow him/her to perform the essential functions of his/her job, unless the accommodation would create an undue hardship for the employer.

### REASONABLE ACCOMMODATION

Reasonable accommodation can be considered as the logical adjustment to a job or work environment that enables a disabled person to perform the essential functions of his/her job. The Department is required to provide reasonable accommodation for qualified individuals with physical or mental limitations. Reasonable accommodation includes, but is not limited to:

- Modifications or adjustments to a department's application, examination, or interview process that will enable a qualified applicant with a disability to be considered for the desired position; **or**
- Modifications or adjustments to the work environment, or to the method under which the position held or desired is routinely performed, that enables a qualified individual with a disability to perform the essential functions of that position; **or**
- Modifications or adjustments that will enable an employee with a disability to enjoy the same benefits and privileges of employment as those enjoyed by similarly situated employees without disabilities.

The SCDD may choose to provide an alternative accommodation other than the one requested by the employee, as long as it is effective in assisting the employee in performing his/her essential job functions.

### ESSENTIAL FUNCTIONS

Essential functions are the tasks that are fundamental to the job. A job function may be considered essential for any of the following reasons:

- The position exists to perform the function.



- There are a limited number of employees to whom the performance of the function can be distributed.
- The function is highly specialized and the incumbent in the position was hired for his/her expertise in performing the function.

## **INDIVIDUAL WITH A DISABILITY**

An individual is considered to be disabled if he/she:

- Has a permanent physical or mental impairment that limits the performance of one or more major life activities; **or**
- Has a record of such an impairment; **or**
- Is regarded as having such impairment.

### **Physical or Mental Impairment**

Physical or mental impairment includes, but is not limited to any physiological disorder or condition, cosmetic disfigurement, anatomical loss affecting one or more of the body systems, or any mental or psychological disorder. Examples of conditions that would constitute disabilities because they limit a major life activity include paralysis, hearing or vision loss, epilepsy, and cancer.

### **Major Life Activities**

Major life activities include self care, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. The list of major life activities is not exhaustive.

### **Functional limitations**

Determining whether a functional limitation in performing essential functions exists due to a physical or mental impairment is the first step in establishing whether an individual is entitled to a reasonable accommodation. Many impairments do not impact a person's life to the extent of limiting a major life activity. An impairment rises to the level of limiting a major life activity when it makes the performance of a major life activity difficult.

When evaluating a reasonable accommodation request, the Office of Civil Rights (OCR) considers several factors in assessing the functional limitation(s) a physical or mental impairment causes in performing essential functions:

- The specific physical or mental limitation or medical condition which requires an accommodation;
- The duration or expected duration of the impairment;

- The permanent or long-term impact, or the expected permanent or long-term impact of, or resulting from, the impairment.

### **EXAMPLES OF REASONABLE ACCOMMODATION**

Each reasonable accommodation request is evaluated on a case-by-case basis, so that the accommodation provided meets the needs of the individual with the disability, and will allow him/her to perform the essential functions of his/her job. Reasonable accommodations may include, but are not limited to:

- Special Testing/Interview Arrangements - Allowing competitors additional time to complete training or written examinations, providing written tests in Braille or large print, readers for visually-impaired, or sign-language interpreters.
- Accessible Test Sites - Examinations and training sessions must be administered in accessible facilities. For barriers such as stairs or inaccessible restrooms, an alternate facility will be utilized.
- Worksite modifications - Modifications may be provided to allow access to perform work activities. Some modifications may include raising or lowering modular furniture or equipment, widening access areas or doorways, installing additional electrical outlets, placing Braille labels or tactile cues on shelves.
- Assistive devices - Prescribed chairs, computer improvements and/or software, telecommunication devices for the deaf (TDD/TTY), or footrests.
- Support Services Assistants - Sign-language interpreters, readers, captioners, or drivers.
- Job restructuring - Reassignment of marginal duties, modified work schedule to allow for medical treatment or appointments, job sharing or reduced work schedule, telecommuting.
- Equal access to services and events - Employer-sponsored services and social events (e.g., retirement luncheons/dinners, holiday functions) must be accessible to individuals with disabilities.
- Alternative job placement - If an employee with a disability cannot be accommodated through any other method, he/she may be reassigned to a vacant position for which he/she is qualified. A position may not be created for the individual, nor will another employee be displaced in order to accommodate the employee with the disability.
- Transportation/Parking - State employees are responsible for providing their own transportation to and from work. Transportation provided by the SCDD for

its employees (e.g., shuttle service between facilities) must be accessible to employees with disabilities. In employee parking lots owned or leased by the State, spaces closest to building entrances should be assigned to employees with mobility-related disabilities.

## **REQUESTING REASONABLE ACCOMMODATION**

The SCDD has established procedures to request a reasonable accommodation to ensure it is an interactive process between the individual and the SCDD. Employees are encouraged to utilize the Reasonable Accommodation Request form GEN 1242 to ensure that all necessary information is included. However, it is not required that requests for accommodation be in writing.

To request reasonable accommodation, the employee must communicate his/her need to his/her supervisor. To expedite the process, the employee should complete the GEN 1242 and submit to his/her supervisor. At this time, the employee should also submit a copy of the GEN 1242 to the Personnel Manager. This alerts the Personnel Manager that a request for reasonable accommodation has been made. If the request is verbal, the supervisor should use the GEN 1242 to document the request and submit a copy to the Personnel Manager to alert him or her that a request for reasonable accommodation has been made.

All requests for reasonable accommodation, whether written or verbal, must provide the following information:

- The type of accommodation requested;
- An explanation of the limitation for which the accommodation is needed;
- A description of how the accommodation will allow the individual to perform the essential functions of his/her job.

An employee must also submit medical documentation to provide evidence of his/her functional limitation due to a non-obvious (hidden) disability in support of the request for reasonable accommodation. The employee should send the medical documentation **directly to the Personnel Manager**, where it will be kept in a confidential reasonable accommodation file.

At a minimum, the medical documentation must include the following:

- A description of the functional limitation as it relates to the employee's job duties, including the anticipated duration (e.g. temporary or permanent). If temporary, specify the date it is anticipated the functional limitation will end.
- A description of the functional limitations caused by the disability in work related terms. For example, if "no prolonged walking" is requested, the medical statement should specify how long or how far the employee is able to walk; if "no prolonged sitting" is requested, the medical statement should specify how long and under what circumstances the employee can sit; if rest periods are required, the medical statement should specify how often and how long the rest periods should be.

- State the accommodation and describe how it will help the employee to perform his/her essential job duties.
- The medical documentation must be written/typed on the official letterhead stationery of the health professional or health professional's organization. The documentation must identify the health professional's credentials (e.g., M.D., D.O., R.N.) and practice specialty (e.g., Physical Therapist, Social Worker, Chiropractor), and be signed and dated by the health professional.

The Personnel Manager will provide guidance to managers, supervisors, and persons requesting reasonable accommodation at all stages of the process. The Personnel Manager evaluates each reasonable accommodation request on a case-by-case basis. The decision to grant or deny a request for accommodation will be made only after considering all essential information, including but not limited to input from the employee, his/her supervisor, and his/her health professional. The applicant is not automatically entitled to the accommodation he/she requests; however, an individual may refuse an accommodation offered by the SCDD.

### **INTERACTIVE PROCESS**

Within five (5) work days of receiving a request for Reasonable Accommodation by a disabled employee or applicant, the SCDD and its representatives must engage in a timely, good faith, interactive process to determine effective reasonable accommodations. To ensure that all effective accommodations have been considered, the supervisor must discuss the request with the employee when the specific limitation, problem, or barrier is unclear; where effective accommodation is not obvious; where modifications to the request may be appropriate; where the parties are choosing between different possible reasonable accommodations; or in other situations where the interactive process can further promote resolution of the request for accommodation. The interactive process should take place in person, unless it is impractical to do so. The interactive process with the employee or applicant shall include, but is not limited to:

- Discussing the purpose and the essential functions of the specific position;
- Reviewing how the functional limitations of the disability can be overcome with reasonable accommodation;
- Identifying potential accommodation options;
- Evaluating the effectiveness of each potential accommodation option;
- Documenting all options discussed and reasons for selecting particular option(s);
- Implementing the most appropriate option(s), after consulting with the Personnel Manager and appropriate staff; and
- Keeping the applicant or employee informed until accommodation is provided or denied.

## **THE ONGOING PROCESS OF REASONABLE ACCOMMODATION**

The SCDD is required to make reasonable accommodations for qualified persons with disabilities. The duty to accommodate is a continuing duty that is not exhausted by one effort. Once the SCDD becomes aware that an accommodation is not working, it must consider alternative accommodations. If it becomes apparent that a previously granted accommodation is not working, the supervisor or manager must further engage in the interactive process with the employee to identify appropriate accommodations, as discussed above. Prior to any substantive modification or adjustment of a previously granted accommodation, the Personnel Manager must be consulted. Furthermore, prior to the denial of any newly requested accommodation, the Personnel Manager must also be consulted.

If the SCDD denies or fails to respond to the Reasonable Accommodation Request within twenty (20) working days, the applicant may file an appeal directly with the State Personnel Board (SPB). An applicant has thirty (30) days during which to file an appeal, once the twenty working-day period has ended. Applicants may also file a complaint with the Department of Fair Employment and Housing and/or the U.S. Equal Employment Opportunity Commission.

Should you have any questions, please contact the Personnel Manager directly.



**Detail Sheet for:  
Council Expenditure Report Update**

**What is this agenda item about?**

The agenda item is a report of the expenditures that the State Council on Developmental Disabilities has incurred from July 1, 2009 thru May 31, 2010.

**What has the Council done about this so far?**

The Council has requested expenditure reports beginning February 2010 and ongoing through the end of the fiscal year.

**What needs to be decided at this meeting?**

Information Only

**What is the committee or staff recommendation?**

Information only; Staff will provide ongoing expenditure reports when current information is received.

**Are there attachments?**

Yes, attached is the Expenditure Report for July 1, 2009 thru May 31, 2010 (11 months or 91.66% of the fiscal year).

## 2009-10 EXPENDITURE REPORT

4100 State Council on Developmental Disabilities

2009-10 Expenditure Report

July 1, 2009 thru May 31, 2010 (11 Months or 91.66% of the Fiscal Year)

(Whole Dollars)

	Personal Services			Operating Expenses and Equipment			Total Expenditures		
	Budgeted	Year-to-Date Expended	Percentage Expended	Budgeted	Year-to-Date Expended *	Percentage Expended	Budgeted	Year-to-Date Expended	Percentage Expended
<b>Council Operations and Administration **</b>	\$1,392,426	\$1,046,791	75.18%	\$983,957	\$940,454	95.58%	\$2,376,383	\$1,987,245	83.62%
<b>Community Program Development Grants **</b>	\$0	\$0	0.00%	\$1,000,000	\$871,918	87.19%	\$1,000,000	\$871,918	87.19%
<b>Area Board 1</b>	\$278,219	\$272,579	97.97%	\$80,226	\$50,182	62.55%	\$358,445	\$322,761	90.04%
<b>Area Board 2</b>	\$300,680	\$205,161	68.23%	\$69,444	\$44,033	63.41%	\$370,124	\$249,194	67.33%
<b>Area Board 3</b>	\$569,956	\$531,642	93.28%	\$218,588	\$135,874	62.16%	\$788,544	\$667,516	84.65%
<b>Area Board 4</b>	\$451,122	\$340,982	75.59%	\$131,068	\$96,221	73.41%	\$582,190	\$437,203	75.10%
<b>Area Board 5</b>	\$398,213	\$409,207	102.76%	\$157,461	\$81,949	52.04%	\$555,674	\$491,155	88.39%
<b>Area Board 6</b>	\$303,087	\$271,033	89.42%	\$117,576	\$73,885	62.84%	\$420,663	\$344,918	81.99%
<b>Area Board 7</b>	\$415,469	\$376,776	90.69%	\$140,490	\$78,422	55.82%	\$555,959	\$455,198	81.88%
<b>Area Board 8</b>	\$601,686	\$485,823	80.74%	\$208,107	\$149,046	71.62%	\$809,793	\$634,869	78.40%
<b>Area Board 9</b>	\$299,980	\$200,188	66.73%	\$107,616	\$100,725	93.60%	\$407,596	\$300,913	73.83%
<b>Area Board 10</b>	\$890,937	\$748,992	84.07%	\$366,126	\$144,966	39.59%	\$1,257,063	\$893,958	71.11%
<b>Area Board 11</b>	\$450,181	\$355,237	78.91%	\$156,408	\$101,404	64.83%	\$606,589	\$456,641	75.28%
<b>Area Board 12</b>	\$435,591	\$419,445	96.29%	\$199,379	\$89,631	44.95%	\$634,970	\$509,076	80.17%
<b>Area Board 13</b>	\$365,670	\$389,589	106.54%	\$152,370	\$96,356	63.24%	\$518,040	\$485,945	93.80%
<b>Area Board Operations</b>	\$383,407	\$260,949	68.06%	\$114,560	\$166,804	145.60%	\$497,967	\$427,753	85.90%
<b>Subtotal, All Area Boards</b>	\$6,144,198	\$5,267,603	85.73%	\$2,219,419	\$1,409,496	63.51%	\$8,363,617	\$6,677,099	79.84%
<b>Total</b>	<b>\$7,536,624</b>	<b>\$6,314,394</b>	<b>83.78%</b>	<b>\$4,203,376</b>	<b>\$3,221,868</b>	<b>76.65%</b>	<b>\$11,740,000</b>	<b>\$9,536,262</b>	<b>81.23%</b>

\* Expenditures may reflect a lag in postings to CalSTARS Accounting Reports.

\*\* OE&E year-to-date expenditures include encumbrances for the full year costs of contracts.



## **Detail Sheet for: Legislative & Public Policy Committee Report**

### **What is this agenda item about?**

The State Council on Developmental Disabilities will hear the Legislative and Public Policy Committee (LPPC) updates from the LPPC meeting that occurred on 6/23/10. The recommended adoption of positions for bills is being brought to the attention of the Council. Additional issues may be briefly reviewed.

### **What has the Council done about this so far?**

The Council regularly hears a report of LPPC activities and considers actions proposed by the LPPC regarding bills as needed.

### **What needs to be decided at this meeting?**

After discussing the bills LPPC reviewed and how they have been amended since that time, the Council needs to decide if it will adopt positions for bills and if so, direct staff appropriately.

### **What is the committee or staff recommendation?**

Staff recommends that the Council review the attached bill analyses, consider a presentation on recent amendments, and after consideration, adopt a position regarding each of the bills.

### **Are there attachments?**

Bill analyses are attached for the following bills:

- AB 2537 (Silva);
- AB 2212 (Fuentes); and,
- SB 1283 (Steinberg).

A copy of S. 3412 is attached. Additionally, a legislative report current as of July 1 is also attached. It is anticipated an updated legislative report will be provided at the Council meeting.





**CALIFORNIA STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES**

Bill Number: AB 2537

Author: Assembly Member Jim Silva

Subject: State agencies: adjudications: presiding officers

Version: 4/14/10

Sponsor: Conference of California Bar Associations

Position Recommendation:

- ☒ Support
- ☐ Support if amended
- ☐ Oppose
- ☐ Oppose unless amended
- ☐ Watch

Priority Recommendation:

- ☐ Letter, hearing testimony, & meet  
with bill authors, legislative and  
department staff
- ☐ Letter & hearing testimony
- ☒ Letter

SCDD Policy Priority:  
Quality Assurance

**SUMMARY**

Existing law provides for the disqualification of presiding officers with cause (i.e., bias, prejudice, or an interest in the proceeding) and for peremptory challenges (disqualifications without cause) of judges, court commissioners, and referees in superior courts.

This bill requires agencies conducting administrative hearings using administrative law judges to develop regulations to allow for peremptory challenges of an administrative law judge. In addition, this bill allows such agencies to develop regulations for presiding officers who are not administrative law judges.

## **BACKGROUND**

A peremptory challenge is requested when a party in a legal proceeding wishes to disqualify a judge (or administrative law judge, referee, presiding officer, etc.) without identifying a cause.

Parties in administrative law proceedings should have the same right as civil litigants to have their matters heard by fair and impartial triers of fact (e.g., administrative law judges, judges, referees, etc.).

## **ANALYSIS**

One of the largest agencies, the Office of Administrative Hearings, provides for peremptory challenges in a manner similar to civil litigants. Per the bill author, other agencies do not permit peremptory challenges of administrative law judges. Additionally, other agencies may not provide an effective internal appeals process. At best, this means a party whose request for disqualification of an administrative law judge must prepare detailed and costly declarations to appeal the denial of disqualification. At worst, it means that the party must seek relief in court, unnecessarily delaying a decision at great expense to both the party and the agency.

Per the bill author, this bill rectifies this unequal and unfair situation by providing that all agencies must permit parties the opportunity to excuse administrative law judges through peremptory challenges. By doing so, this bill will increase fairness and should reduce the costs for both administrative litigants and the agencies themselves.

## **RECOMMENDATION & SUPPORTING ARGUMENTS**

It is recommended that a support position is adopted. By requiring regulations concerning peremptory challenges, this bill will remove this issue as a barrier to people with disabilities to receive timely, fair, and impartial administrative hearings.

On 6/23/10, the Legislative & Public Policy Committee (LPPC) voted to recommend that the State Council on Developmental Disabilities considers a support position, and writes appropriate letters to legislators.

## **SUGGESTED AMENDMENTS**

N/A

## **POSITIONS**

This bill is supported by Conference of California Bar Associations.

There is no known opposition to this bill.

## **STAFF CONTACT**

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**CALIFORNIA STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES**

Bill Number: AB 2212

Author: Assembly Member Felipe Fuentes

Subject: Juvenile offenders: mental competency

Version: Amended, 6/10/10

Sponsor: Unknown at the time of this analysis

Position Recommendation:

- ☒ Support
- ☐ Support if amended
- ☐ Oppose
- ☐ Oppose unless amended
- ☐ Watch

Priority Recommendation:

- ☐ Letter, hearing testimony, & meet  
with bill authors, legislative and  
department staff
- ☐ Letter & hearing testimony
- ☒ Letter

SCDD Policy Priority:  
Quality Assurance

**SUMMARY**

This bill mandates the process and standards by which juvenile courts will handle the cases of minors who may be incompetent.

**BACKGROUND**

Within the context of criminal proceedings, current law provides that a person cannot be tried or punished while that person is mentally incompetent.

Current statutory law provides procedures to evaluate the legal competency of adults in criminal proceedings, but provides no comparable provisions for minors in the

juvenile system. For several years, appellate courts have dealt with this gap by cobbling together provisions from different areas of the law.

This bill not only mandates the process and standards by which it will be decided if minors are competent, but the bill author indicates that it will eliminate a vague area of the law. According to the bill author, the problem with existing law is that it is unclear as to whether there must be a finding of a developmental disability or mental disorder for a court to find a minor incompetent to stand trial. A district court in California also found that not only is there no such requirement, but to proceed to trial based on “age-related developmental disability” violates one’s right to due process. To further add confusion to the issue, this ruling only applies to cases filed in some parts of California. Hence, these circumstances have led to the need for this bill in order to resolve these inconsistencies and lack of clarity.

### **SPECIFIC PROVISIONS**

This bill mandates the process and standards by which it will be decided if a minor is competent. They are:

- pending a juvenile proceeding, a minor’s counsel or the court may express a doubt as to the competency of the minor;
- if the court finds substantial evidence that there is a doubt regarding the minor’s competency, the proceedings will be suspended;
  - a minor is incompetent to proceed if he or she lacks sufficient ability to consult with counsel, assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against him or her;
- upon suspension of the proceedings, the court shall order that the question of the minor’s competency be determined at a hearing;
- the court must appoint an expert to evaluate if the minor possesses a mental disorder, developmental disability, developmental immaturity, or other condition, and if so, to determine if the condition(s) impair(s) the minor’s competency;
  - the expert must have expertise in child and adolescent development, training in the forensic evaluation of minors, familiarity with competency standards, and familiarity with accepted criteria used in evaluating competency;
  - the Judicial Council must develop and adopt rules to implement these requirements;
- if the minor is found to be incompetent by a preponderance of the evidence, all proceedings shall be suspended for a period of time that is no longer than

reasonably necessary to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future, or the court no longer retains jurisdiction;

- during this time, the court may make orders that it deems appropriate for services that may assist the minor in attaining competency; and,
- further, the court may rule on motions that do not require the participation of the minor in the preparation of the motions (e.g., motions to dismiss, motions by the defense regarding a change in the placement of the minor, detention hearings, and demurrers).

It is anticipated that a specific amendment will be made to this bill that will permit a court to move forward with a proceeding if the minor is found to be competent.

## **RECOMMENDATION & SUPPORTING ARGUMENTS**

It is recommended that the State Council on Developmental Disabilities adopts a support position. This bill will eliminate a vague area of the law that under current circumstances may result in a violation of a juvenile's right to due process – by proceeding to trial based on “age-related developmental disability”.

On 6/23/10, the Legislative & Public Policy Committee (LPPC) voted to recommend that the State Council on Developmental Disabilities considers a support position and writes appropriate letters to legislators.

## **SUGGESTED AMENDMENTS – N/A**

## **POSITIONS**

This bill is supported by:

- California Public Defenders Association
- County of Sacramento, Office of the Public Defender;
- Youth Law Center;
- National Alliance on Mental Illness; and,
- California District Attorneys Association.

No agencies or individuals are known to oppose this bill.

## **STAFF CONTACT**

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**CALIFORNIA STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES**

Bill Number: SB 1283

Author: Senator Steinberg

Subject: Health care coverage: grievance system

Version: Amended, 5/28/10

Sponsor: Senator Steinberg

**Position Recommendation:**

- ☒ Support
- ☐ Support if amended
- ☐ Oppose
- ☐ Oppose unless amended
- ☐ Watch

**Priority Recommendation:**

- ☐ Letter, hearing testimony, & meet  
with bill authors, legislative and  
department staff
- ☐ Letter & hearing testimony
- ☒ Letter

**SCDD Policy Priority:**

Community Supports, Health, and Quality  
Assurance

**SUMMARY**

Under existing law, insurers must maintain a grievance procedure for subscribers. When such grievances are filed, the director of the Department of Managed Health Care (DMHC) must send notification of the final disposition of the case to the complainant within 30 days.

When the director of the DMHC determines that additional time is necessary to review a grievance, this bill sets forth procedures that the director must follow. This bill also requires DMHC to impose fines on insurers if an insurer fails to comply with a request from DMHC to provide more information.

Existing law requires the director of DMHC to create a report, as a public record, that summarizes information pertaining to grievances filed with DMHC against insurers' plans. This bill expands the information that the report must contain, including DMHC's review of the grievances.

## **BACKGROUND**

The DMHC oversees compliance of health care plans with state law. Existing law requires health plan providers/insurers to establish and maintain a grievance process. Upon receiving a request to review a grievance, existing law requires DMHC to send a written notice of the final disposition of the grievance to the subscriber within 30 days, unless the director of DMHC determines that additional time is reasonably needed to complete the review.

In order to file a grievance with DMHC, the subscriber must first initiate the health plan provider's grievance and appeals process – which must be resolved within 30 days. After completing the health care provider's grievance process or participating in it for 30 days, the subscriber may then file a grievance with DMHC. DMHC's decisions are final, although the subscriber may take legal action if they so choose.

If a subscriber's dispute with an insurer is based upon the denial of services, the DMHC may send the case for independent medical review (IMR) whereby an independent medical doctor reviews the case. Once a determination is made through the IMR process, the DMHC director must adopt it. If the insurer's decision is overturned, the insurer must implement the IMR's findings within five days.

From 9/1/09 – 3/1/10, the DMHC Help Center processed 76 cases for the denial of services related to autism treatment complaints. Of these 76 cases, 32 were resolved within 30 days, 19 were resolved between 31-60 days, 12 were resolved between 61-90 days, and 11 were resolved after 90 days. Two cases were closed for insufficient data or were not applicable.

Delays in resolving disputes regarding health care coverage may result in delays in implementation of intensive, early intervention therapy for children with autism or autism spectrum disorders. Such delays may not only critically interfere with achieving optimal outcomes, they may also place undue fiscal and psychological hardship on families and consumers throughout the appeal process.

California's existing mental health parity law requires that private health plans and insurers provide medically necessary services for diagnosis, care, and treatment of



people with autism and pervasive developmental disorders. However, the California Legislative Blue Ribbon Commission on autism found that many individuals still face barriers in accessing services.

In July 2009, a nonprofit public interest organization, Consumer Watchdog, successfully sued DMHC for wrongfully allowing insurers to refuse to pay for autism treatments. Until March 2009, subscribers were able to appeal an insurer's denial of applied behavior analysis (ABA) therapy, by undertaking IMR. Most IMR appeals resulted in favor of the patient.

In March 2009, DMHC issued a memo indicating that they would review ABA and other autism treatment denials through DMHC's own internal grievance system, as urged by insurers, rather than through the IMR process. The Los Angeles Superior Court, in October 2009, ruled against DMHC, citing that DMHC's memo constituted an illegal "underground regulation" because it violated sunshine laws that require state agencies to follow a public hearing process when the agency seeks to adopt or change state regulations.

## **SPECIFIC PROVISIONS**

When the director of the Department of Managed Health Care (DMHC) determines that additional time is necessary to review a grievance, this bill sets forth procedures that the director must follow.

The procedure is for the director of DMHC to issue a decision regarding a grievance within 30 days. If the director believes that additional time is necessary to review the grievance, the director must:

- within 30 calendar days of receipt of the grievance, decide what additional information is necessary for review in order to make a determination;
- within 30 calendar days of receipt of the grievance, inform the subscriber in writing of the additional information that was identified as being necessary to complete its review of the grievance in order to make a determination;
- within five business days of having a complete packet of information regarding the grievance, inform the subscriber in writing of the date the application for grievance was completed;
- within 30 calendar days of having a complete packet of information regarding the grievance, make a final determination and the reasons for it; and,
- within five business days of the determination of the final disposition of the grievance, notify the subscriber in writing of the decision.

If the director requests additional information from the insurer, the insurer must provide such information to the director within five business days. This bill also requires DMHC to impose fines on insurers if an insurer fails to comply with a request from DMHC to provide more information. The amount of the fine will be determined by the department such that it is consistent with other administrative fines authorized in existing law.

Existing law requires the director of DMHC to create an annual, public report summarizing grievances against health care plan providers filed with DMHC. This bill requires the report to include, but not be limited to, the following information:

- the number and types of complaints or grievances received throughout the calendar year;
- the average number of days before a grievance is closed;
- the average number of days before a grievance is sent to independent medical review;
- the average number of days before the independent medical review process is resolved and a decision is rendered by the director;
- a breakdown of the number of cases resolved before and after 30 days; and,
- of the grievances not resolved within 30 days, report on the number, the proportion of grievances by medical condition, causes of the grievances, and reasons for failure to resolve any grievance pending more than 30 days.

Existing law requires insurers to provide a quarterly report to the director of DMHC, who makes the report public, of grievances pending and resolved for 30 or more days, with separate categories for Medicare and Medi-Cal enrollees. This bill requires the quarterly report to contain, but not be limited to:

- the average number of days before a grievance is closed;
- a breakdown of the number of cases resolved before and after 30 days; and,
- of the grievances not resolved within 30 days, report on the number, the proportion of grievances by medical condition, causes of the grievances, and reasons for failure to resolve any grievance pending more than 30 days.

## **RECOMMENDATION & SUPPORTING ARGUMENTS**

It is recommended that a support position is adopted. By requiring the director of DMHC to inform subscribers of the disposition of their grievances, subscribers will be informed of the status of their grievance. While legitimate disagreements in the provision of services may exist and delay the implementation of services, it is anticipated that this bill would eliminate lack of information and lack of notification of

the status of the grievance as factors that would introduce further delays. By specifying the content of the reports released to the public by the director of DMHC, it is anticipated that any systemic problems surrounding the issue of the timeliness of grievance decisions would be identified and acted upon in the future.

On 5/27/10, the Council adopted a watch position because it was anticipated that the bill would experience further changes. Since then, the bill was amended on 5/28/10.

On 4/8/10, the Legislative & Public Policy Committee (LPPC) voted to recommend that the State Council on Developmental Disabilities considers a watch position. At that time, it had been a spot bill pertaining to autism spectrum disorders and health care coverage. On 4/27/10, this bill was gutted and amended – the entire contents of the bill were removed and replaced with new content.

## **SUGGESTED AMENDMENTS**

N/A

## **POSITIONS**

This bill is supported by:

- Alliance of California Autism Organizations;
- Association of Regional Center Agencies;
- Autism Deserves Equal Coverage;
- Autism Health Insurance Project;
- California Parents for Choice in Autism Treatment Options;
- Central Valley Regional Center, Inc.;
- DIR/FLOORTIME Coalition of California;
- Educate. Advocate.;
- Special Education Local Planning Area (SELPA) Administrators;
- Special Needs Network;
- The HELP Group; and,
- United Cerebral Palsy of Los Angeles, Ventura, and Santa Barbara Counties.

The California Association of Health Plans opposes this bill unless it is amended.

## **STAFF CONTACT**

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S 3412 IS

111th CONGRESS

2d Session

**S. 3412**

To provide emergency operating funds for public transportation.

**IN THE SENATE OF THE UNITED STATES**

**May 25, 2010**

Mr. DODD (for himself, Mr. MENENDEZ, Mr. DURBIN, Mr. SCHUMER, Mr. LAUTENBERG, Mr. BROWN of Ohio, Mr. REED, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

**A BILL**

To provide emergency operating funds for public transportation.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the `Public Transportation Preservation Act of 2010'.

**SEC. 2. FINDINGS.**

Congress finds the following:

- (1) The American Public Transportation Association estimates that since January 1, 2009, 84 percent of transit systems have raised fares, cut service or are considering one of those actions.
- (2) Many low-income workers, older Americans, and people with disabilities depend on transit service to get to jobs and health care. Reduced service and higher fares can have a devastating effect on their quality of life.
- (3) Millions of Americans use transit every day. Reduced transit service makes it harder for workers to access jobs and puts more cars on the road, worsening already bad traffic congestion in many metropolitan areas.

**SEC. 3. EMERGENCY OPERATING FUNDS FOR PUBLIC TRANSPORTATION.**

(a) General Authority- The Secretary of Transportation may make grants to States and designated recipients that receive funding under chapter 53, United States Code, for the operating costs of equipment and facilities for use in public transportation.

(b) Apportionment of Funds- Of the funds made available under this section--

- (1) 80 percent shall be apportioned in accordance with section 5336 of title 49, United States Code;
- (2) 10 percent shall be apportioned in accordance with section 5340 of title 49, United States Code; and
- (3) 10 percent shall be apportioned to other than urbanized areas in accordance with section 5311 of title 49, United States Code.

(c) Use of Funds-

(1) IN GENERAL- Except as provided in paragraph (2), the amounts apportioned to a State or urbanized area pursuant to subsection (b) shall be used--

(A) for operating expenses necessary to--

(i) restore a reduction in public transportation service and related workforce reductions; or

(ii) rescind all or a portion of a fare increase;

if such reduction or increase was due to decreased State or local funding or farebox revenue, that occurred on or after January 1, 2009; and

(B) to prevent reductions or increases described in subparagraph (A) through September 30, 2011.

(2) EXCEPTION-

(A) IN GENERAL- If a recipient submits a certification to the Secretary that the recipient has not had a major reduction in public transportation service, as described in section 5307(d)(1)(I) of title 49, United States Code, or a fare increase as a result of decreased State or local operating funding, and will be able to avoid such reductions or increases through September 30, 2011, without the funds made available by this section, a recipient may use the funds to replace, rehabilitate, or repair existing transit capital assets used in public transportation as defined under section 5302(a)(10) of title 49, United States Code.

(B) USE OF REMAINING FUNDS- A recipient may use any remaining funds made available by this section to replace, rehabilitate, or repair existing transit capital assets used in public transportation as defined under section 5302(a)(10) of title 49, United States Code if that recipient has--

(i) restored a major reduction in public transportation service or rescinded a fare increase; and

(ii) is able to avoid reductions or increases described in paragraph (1)(B).

(d) Requirements- Applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this section. Section 1101(b) of Public Law 109-59 (119 Stat. 1156) shall apply to funding provided under this section.

(e) Government Share of Costs- A grant under this section shall be, at the option of the recipient, up to 100 percent of the net cost of the project.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$2,000,000,000 to remain available for obligation through September 30, 2011.

(g) Funds Availability- Funds apportioned under this section and obligated on or before September 30, 2011, shall be expended on or before July 1, 2012.

(h) Oversight- Three-quarters of 1 percent of the funds available under paragraphs (1) and (2) of subsection (b), and one-half of 1 percent of the funds available under paragraph (3) of subsection (b), shall be provided for administrative expenses and program management oversight, and such funds shall be available through September 30, 2013.

END



# Legislative & Public Policy Committee

## Legislative Report

### as of 7/1/2010

#### Civil Rights

[AB 2537](#)

**(Silva) State agencies: adjudications: presiding officers.** (A-04/14/2010 [html](#) [pdf](#))

**Status:** 06/28/2010-In committee: Hearing postponed by committee. (Refers to 6/24/2010 hearing)

**Current Location:** 06/10/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law, the Administrative Procedure Act, provides for the conduct of administrative adjudication proceedings of state agencies. Existing law provides for the disqualification of a presiding officer for bias, prejudice, or interest in the proceeding. Existing law authorizes an agency that conducts an adjudicative proceeding to provide by regulation for peremptory challenge of the presiding officer. This bill would require that certain agencies that conduct an adjudicative proceeding provide by regulation for peremptory challenge of the presiding officer in cases where the presiding officer is an administrative law judge, and authorize those agencies to provide by regulation for peremptory challenge of a presiding officer who is not an administrative law judge.

**Position:**

**Priority:**

[ACR 123](#)

**(Chesbro) California Memorial Project Remembrance Day.** (A-04/08/2010 [html](#) [pdf](#))

**Status:** 04/12/2010-In Senate. To Com. on RLS.

**Current Location:** 04/12/2010-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** This measure would proclaim the 3rd Monday of each September as California Memorial Project Remembrance Day in California, to honor and restore dignity to individuals who lived and died in California institutions.

**Position:** Support

**Priority:** Letter

**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

[SB 1256](#)

**(Hancock) Ed Roberts Day.** (A-06/23/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-To Special Consent Calendar.

**Current Location:** 06/30/2010-S CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:** 07/01/10 218 SEN SPECIAL CONSENT CALENDAR #29

**Summary:** Existing law requires the Governor to proclaim certain days each year for specified reasons. Existing law also designates particular days each year as having special significance in public schools and educational institutions and encourages those entities to conduct suitable commemorative exercises on those dates. This bill would repeal and recast these provisions. This bill contains other related provisions.

**Position:** Support

**Priority:** Letter

**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

## Criminal Justice

**AB 438 (Beall) Medi-Cal: treatment authorization requests.** (A-05/05/2010 [html](#) [pdf](#))

**Status:** 05/06/2010-Withdrawn from committee. Re-referred to Com. on RLS.

**Current Location:** 05/06/2010-S RLS.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and pursuant to which, health care services are provided to qualified low-income persons. This bill would state the intent of the Legislature to enact legislation that would implement reforms to the Medi-Cal TAR process, as specified. This bill contains other existing laws.

**Position:** Support

**Priority:** Letter & Hearing Testimony

**AB  
2212**

**(Fuentes) Minors: mental competency.** (A-06/10/2010 [html](#) [pdf](#))

**Status:** 06/22/2010-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 0.) (June 22).

**Current Location:** 06/22/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing statutory law, in counties that agree to be subject to these provisions pursuant to a resolution adopted by the board of supervisors, provides that when it appears to the court, or upon request of the prosecutor or counsel, that a minor who is alleged to come within the jurisdiction of the juvenile court as a person who is or may be found to be a ward of the juvenile court may have a serious mental disorder, is seriously emotionally disturbed, or has a developmental disability, the court may order that the minor be referred for evaluation by a licensed mental health professional. This bill would authorize, during the pendency of any juvenile proceeding, the minor's counsel or the court to express a doubt as to the minor's competency. The bill would provide that a minor is incompetent to proceed if he or she lacks sufficient present ability to consult with counsel and assist in preparing his or her defense with a reasonable degree of rational understanding, or lacks a rational as well as factual understanding, of the nature of the charges or proceedings against him or her. The bill would require proceedings to be suspended if the court finds substantial evidence raises a doubt as to the minor's competency. The bill would require the court to appoint an expert, as specified, to evaluate whether the minor suffers from a mental disorder, developmental disability, or developmental immaturity, or other condition and, if so, whether the condition impairs the minor's competency. The bill would require the Judicial Council to develop and adopt rules to implement these requirements. The bill would require that, if the minor is found to be incompetent by a preponderance of the evidence, all proceedings remain suspended to determine whether there is a substantial probability that the minor will attain competency in the foreseeable future or the court no longer retains jurisdiction. This bill contains other existing laws.

**Position:**

**Priority:**

**SB 110 (Liu) People with disabilities: victims of crime.** (A-06/23/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 6. Noes 0.) Re-referred to Com. on APPR. (Heard in committee on June 29.)

**Current Location:** 06/30/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law addresses aspects of the jurisdiction of state agencies and law enforcement in regard to long-term care facilities and elder and dependent adult abuse, as specified. This bill would further specify the jurisdiction of various state agencies and of law enforcement in regard to investigating those facilities and that conduct. This bill contains other related provisions and other existing laws.

**Position:** Support

**Priority:**

## Developmental Center

**SB 1196 (Negrete McLeod) Lanterman Developmental Center.** (A-03/23/2010 [html](#) [pdf](#))

**Status:** 06/15/2010-Set, first hearing. Hearing canceled at the request of author.

**Current Location:** 05/20/2010-A HUM. S.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law vests the State Department of Developmental Services with jurisdiction over specified state developmental centers , including the Lanterman Developmental Center , to be used as a developmental center for the provision of services to people with developmental disabilities. Existing law specifies the procedure that the department is required to use in the closure of a developmental center . This bill would require plans and other public documents, and notice of public meetings or teleconferences, relative to the proposed closure of the Lanterman Developmental Center, to be posted on the department's Internet Web site, as specified .

**Position:** Watch

**Priority:**

**Notes:**

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

## Education/Special Education

**AB 1742 (Coto) Education: special education.** (A-06/17/2010 [html](#) [pdf](#))

**Status:** 06/24/2010-Read second time. To Consent Calendar.

**Current Location:** 06/24/2010-S CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:** 07/01/10 216 SEN CONSENT CALENDAR-SECOND LEGISLATIVE DAY

**Summary:** Existing law requires a nonpublic, nonsectarian schools that provides special education and related services to an individual with exceptional needs in any of the grades from kindergarten through grade 12 to certify in writing to the Superintendent of Public Instruction that it meets specified requirements, including the requirement that it will not accept a pupil with exceptional needs if it cannot provide the services outlined in the pupil's individualized education program, as specified. This bill would specify that required standards-based, core curriculum and instructional materials used to provide the special education and related services including technology-based materials, as specified.

**Position:** Support

**Priority:** Letter

**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and



appropriate legislators.

**AB  
1841**

**(Buchanan) Special education: parental consent.** (A-06/03/2010 [html](#) [pdf](#))

**Status:** 06/28/2010-From Consent Calendar. Ordered to third reading.

**Current Location:** 06/28/2010-S THIRD READING

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:** 07/01/10 123 SEN ASSEMBLY BILLS-THIRD READING FILE

**Summary:** Existing law, in defining the term "consent" for purposes of the provision of special education and related services to individuals with exceptional needs, includes in that definition a statement that a parent or guardian understands that granting consent is voluntary and he or she may revoke that consent at any time. Existing law provides that revocation of consent is not retroactive to negate an action that occurred after consent was given and prior to the revocation. This bill, in addition, would provide that a public agency is not required to amend the education records of a child to remove any reference to the child's receipt of special education and services if the child's parent or guardian submits a written revocation of consent after the initial provision of special education and related services to the child. This bill contains other related provisions and other existing laws.

**Position:** Support

**Priority:** Letter

**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position and writes a letter to the bill author and appropriate legislators.

**AB  
2160**

**(Bass) Teacher credentialing: instruction to pupils with autism.** (A-04/06/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-Read second time. To Consent Calendar.

**Current Location:** 06/30/2010-S CONSENT CALENDAR

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:** 07/01/10 203 SEN CONSENT CALENDAR-FIRST LEGISLATIVE DAY

**Summary:** The Commission on Teacher Credentialing is authorized to issue teaching and services credentials, and is required to establish standards and procedures for the issuance and renewal of credentials. Existing law authorizes a local educational agency or school to assign a teacher who holds a level 1 education specialist credential to provide instruction to pupils with autism, subject to specified requirements. Existing law makes those provisions inoperative 2 years after the commission adopts regulations relating to the requirements for obtaining a specialist credential in special education, or on August 31, 2011, whichever occurs first, and repeals those provisions on January 1, 2012. This bill would delete the provision requiring the education special credential to be a level 1 credential, would extend the inoperative date to October 1, 2013, and would repeal those provisions on January 1, 2014. The bill would express various findings and declarations of the Legislature, and would delete obsolete provisions.

**Position:** Oppose

**Priority:** Letter & Hearing Testimony

**Notes:**

--On May 27, 2010, the SCDD took an oppose position, directed staff to write a letter to the bill author and appropriate legislators, and provide hearing testimony.

--On April 8, 2010, LPPC recommended that SCDD takes an oppose position, writes a letter to the bill author and other appropriate legislators, and provides hearing testimony.

**AJR 31**

**(Buchanan) Special education funding.** (C-06/28/2010 [html](#) [pdf](#))

**Status:** 06/28/2010-Chaptered by Secretary of State - Res. Chapter 41, Statutes of 2010.

**Current Location:** 06/28/2010-A CHAPTERED

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** This measure would respectfully memorialize the Congress and the President of

the United States to enact one of the bills pending before Congress that would fully fund the federal Individuals with Disabilities Education Act.

**Position:** Support **Priority:** Letter  
[SCDD's Support Letter for AJR 31](#)

**SB 682 (Padilla) Individuals with exceptional needs: academic and occupational training: pilot program.** (A-06/24/2009 [html](#) [pdf](#))

**Status:** 08/27/2009-Set, second hearing. Held in committee and under submission.

**Current Location:** 08/27/2009-A APPR. SUSPENSE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law requires the Superintendent of Public Instruction to establish the capacity to provide transition services such as employment and academic training, strategic planning, interagency coordination, and parent training for a broad range of individuals with exceptional needs, including autism spectrum disorders and other disabilities. This bill, contingent upon the availability of federal funds for this purpose, would authorize a county office of education or consortium of county offices of education to establish pilot programs for the purposes of providing combined academic and occupational training to secondary school pupils with autism spectrum disorders and other exceptional needs. The bill would require a county office of education or consortium of county offices of education that establishes a pilot program pursuant to these provisions to submit an evaluation containing specified information about the program to the State Department of Education, the Assembly Committee on Education, and the Senate Committee on Education on or before January 1, 2014. These provisions would be repealed on January 1, 2015 .

**Position:** Support **Priority:**

**SB 1376 (Romero) Career technical education: pilot preapprentice aerospace machining program.** (A-05/05/2010 [html](#) [pdf](#))

**Status:** 05/27/2010-Held in committee and under submission.

**Current Location:** 05/27/2010-S APPR. SUSPENSE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law establishes the Health Science and Medical Technology Project, administered by the State Department of Education to provide competitive grant funds to California public schools to enhance existing or establish new health-related career pathway programs. This bill would state findings and declarations of the Legislature regarding California's aerospace workforce and trends in California's high schools. The bill would create a pilot preapprentice aerospace machining program, administered by the California Labor and Workforce Development Agency to provide career technical education to high school pupils in the form of machining and related curriculum that can be applied to various manufacturing industries in California, including, but not limited to, aerospace manufacturing, as specified. The program would be funded by a direct federal appropriation, that would be deposited into the Machinist Investment Fund, which would be created by this bill. The bill would provide that implementation of the program would be contingent upon receipt of sufficient federal funding. Grants would be competitively awarded to community colleges based upon specified criteria, including their ability to address the existing local and regional industry manufacturing needs, while providing meaningful career technical education opportunities for at-risk youth. The bill would require the Chancellor's Office of the California Community Colleges system to develop preapprenticeship curriculum in aerospace technology, and machining technology generally. The model curriculum would be required to result in the issuance of a certificate of completion stating that the holder has completed curriculum that meets specified criteria. The bill would specify that, consistent with federal guidelines, each community college shall complete an evaluation of its participation in the pilot program on or before the end date of the grant award, and submit the evaluation to the chancellor's office by that date. The chancellor's office would be required to compile the information provided by the participating community colleges, and to submit an evaluation to the Legislature by December 1, 2013. The bill would provide that its

provisions would remain in effect until January 1, 2015. This bill contains other related provisions.

**Position:** Watch

**Priority:**

**Notes:** --On May 27, 2010, the SCDD decided to watch this bill.

--This is a spot bill. On April 8, 2010, LPPC recommended that SCDD takes a watch position.

## Health Care

### **SB 810 (Leno) Single-payer health care coverage.** (A-01/13/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 13. Noes 6.) Re-referred to Com. on APPR. (Heard in committee on June 29.)

**Current Location:** 06/30/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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#### Calendar Events:

**Summary:** Existing law does not provide a system of universal health care coverage for California residents. Existing law provides for the creation of various programs to provide health care services to persons who have limited incomes and meet various eligibility requirements. These programs include the Healthy Families Program administered by the Managed Risk Medical Insurance Board, and the Medi-Cal program administered by the State Department of Health Care Services. Existing law provides for the regulation of health care service plans by the Department of Managed Health Care and health insurers by the Department of Insurance. This bill would establish the California Healthcare System to be administered by the newly created California Healthcare Agency under the control of a Healthcare Commissioner appointed by the Governor and subject to confirmation by the Senate. The bill would make all California residents eligible for specified health care benefits under the California Healthcare System, which would, on a single-payer basis, negotiate for or set fees for health care services provided through the system and pay claims for those services. The bill would provide that a resident of the state with a household income, as specified, at or below 200% of the federal poverty level would be eligible for the type of benefits provided under the Medi-Cal program. The bill would require the commissioner to seek all necessary waivers, exemptions, agreements, or legislation to allow various existing federal, state, and local health care payments to be paid to the California Healthcare System, which would then assume responsibility for all benefits and services previously paid for with those funds. This bill contains other related provisions and other existing laws.

**Position:**

**Priority:**

### **SB 1283**

### **(Steinberg) Health care coverage: grievance system.** (A-05/28/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 14. Noes 5.) Re-referred to Com. on APPR. (Heard in committee on June 29.)

**Current Location:** 06/30/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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#### Calendar Events:

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. A willful violation of the act constitutes a crime. Existing law requires every health care service plan to establish and maintain a grievance system approved by the department under which enrollees and subscribers may submit a grievance to the plan. Existing law authorizes a subscriber or enrollee to submit his or her grievance to the department for review after completing the grievance process or after having participated in that process for at least 30 days. Existing law requires the department to send a written notice of the final disposition of the grievance to an enrollee or subscriber within 30 days of receiving the request for review, unless the director determines that additional time is reasonably necessary to fully review the grievance. This bill would , upon a determination by the director that additional time is necessary to review a grievance, set forth the procedures that would apply to the department with regard to the review of that grievance and the payment of specified costs by the department. Upon a failure of a health care service plan to comply with a request from the

department for information related to the grievance, the bill would authorize the department to impose an administrative fine on that plan as determined by the department . This bill contains other related provisions and other existing laws.

**Position:** Watch

**Priority:**

**Notes:**

--On May 27, 2010, the SCDD took a watch position.

--This is a spot bill. On April 8, 2010, LPPC recommended that SCDD takes a watch position.

## Housing

### [SB 812](#) (Ashburn) **Developmental services: housing.** (A-06/28/2010 [html](#) [pdf](#))

**Status:** 06/30/2010-From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 8. Noes 0.) Re-referred to Com. on APPR. (Heard in committee on June 30.)

**Current Location:** 06/30/2010-A APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. That law also requires the housing element to contain an analysis of any special housing needs . Existing law defines "developmental disability" as a disability that originates before an individual attains 18 years of age, continues or may continue indefinitely, and constitutes a substantial disability for that individual. Existing law expressly includes specified disabling conditions within that definition. This bill would require the local government to include in the special housing needs analysis, needs of individuals with a developmental disability within the community. By expanding the duties of local jurisdictions in relation to the general plans, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

**Position:** Support if Amended **Priority:**

## In Home Supportive Services (IHSS)

### [AB 378](#) (Cook) **In-Home Supportive Services: provider training.** (A-05/04/2009 [html](#) [pdf](#))

**Status:** 09/11/2009-To inactive file on motion of Senator Romero.

**Current Location:** 09/11/2009-S INACTIVE FILE

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Under existing law, the functions of a nonprofit consortium contracting with the county, or a public authority established for this purpose, include providing training for providers and recipients. This bill would require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics for the provided training .

**Position:** Support

**Priority:** Letter

### [AB 682](#) (Lowenthal, Bonnie) **In-Home Supportive Services program: fraud.** (A-09/03/2009 [html](#) [pdf](#))

**Status:** 09/03/2009-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR.

**Current Location:** 09/03/2009-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. This bill would, instead, require that the criminal background checks be conducted at the provider's expense, unless the nonprofit consortium or public authority agrees to pay for the criminal background check in which case the department shall seek federal financial participation, to the extent possible, to cover costs associated with conducting the criminal background check. This bill contains other related provisions and other existing laws.

**Position:** Watch

**Priority:**

**AB  
2274**

**(Beall) In-Home Supportive Services program.** (I-02/18/2010 [html](#) [pdf](#))

**Status:** 06/23/2010-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 3. Noes 2.) (June 22).

**Current Location:** 06/23/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Calendar Events:**

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law allows a recipient who receives services through either a contract or a managed care provider, subject to program requirements, to select any qualified person, as defined, to provide care. This bill would also allow a person who receives services as part of an entity authorized by a specified waiver under the federal Social Security Act to select any qualified person to provide care.

**Position:** Support

**Priority:** Letter

**Notes:**

--On May 27, 2010, the SCDD took a support position and directed staff to write a letter to the bill author and appropriate legislators because additional information had been available since LPPC review.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

**AB  
2374**

**(Nestande) In-Home Supportive Services: pilot project.** (A-04/05/2010 [html](#) [pdf](#))

**Status:** 06/23/2010-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 0.) (June 22).

**Current Location:** 06/23/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Calendar Events:**

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would, instead, require the pilot project to commence January 1, 2011, and would authorize the pilot project to be established in not more than 5 consenting counties. This bill contains other existing laws.

**Position:** Watch

**Priority:**

**Notes:**

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

**SB 142 (Maldonado) In-home supportive services: provider timesheets.** (A-07/06/2009 [html](#) [pdf](#))

**Status:** 07/06/2009-Read second time. Amended. Re-referred to Com. on APPR.

**Current Location:** 07/06/2009-A APPR.




2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. This bill would require the department, on or before December 31, 2011, to develop procedures to ensure that an IHSS provider receives a list specifying the approved duties to be performed for each recipient under the provider's care and a complete list of supportive service tasks available under the IHSS program. This bill contains other existing laws.

**Position:** Oppose**Priority:** Letter & Hearing Testimony

## Other

**SB**  
**1282**

**(Steinberg) Health care coverage.** (A-06/24/2010 [html](#) [pdf](#))

**Status:** 06/24/2010-From committee with author's amendments. Read second time. Amended. Re-referred to Com. on B.,P. & C.P.

**Current Location:** 06/01/2010-A DESK

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires health care service plan contracts and health insurance policies to provide coverage for the diagnosis and medically necessary treatment of severe mental illnesses, including, but not limited to, pervasive developmental disorder or autism, under the same terms and conditions applied to other medical conditions, as specified. This bill would state the intent of the Legislature to enact legislation to provide clarification on the duties imposed upon health care service plans and health insurers to inform consumers about the coverage provided for the diagnosis and treatment of autism and pervasive developmental disorders under the existing mental health parity law.

**Position:** Watch**Priority:****Notes:**

--On May 27, 2010, the SCDD took a watch position.

--On April 8, 2010, LPPC recommended that SCDD takes a watch position.

## Regional Center

**AB**  
**2204**

**(Beall) Developmental services: stakeholder groups.** (A-04/05/2010 [html](#) [pdf](#))

**Status:** 06/23/2010-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 3. Noes 2.) (June 22).

**Current Location:** 06/23/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered
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**Calendar Events:**

**Summary:** Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with local, nonprofit regional centers to provide various services and supports to individuals with developmental disabilities. The department is required to consult with stakeholders for various reasons, including, but not limited to, coordinating client advocacy, planning programs, and creating alternative service delivery models to obtain services and supports. This bill would require the department, in convening stakeholder groups pursuant to the act, to take into account the state's ethnic,

sexual orientation, gender identity, geographic, and socioeconomic diversity and to use best efforts to include stakeholder groups that, collectively, reflect the interests of the state's diverse population. The bill would also require the department to include in appropriate reports to the Legislature a description of how it has complied with the requirement of stakeholder group diversity.

**Position:** Support

**Priority:** Letter & Hearing Testimony

**Notes:**

--On May 27, 2010, the SCDD took a support position, directed staff to write a letter to the bill author and appropriate legislators, and provide hearing testimony.

--On April 8, 2010, LPPC recommended that SCDD takes a support position, writes a letter to the bill author and appropriate legislators, and provides hearing testimony.

**AB  
2702**

**(Chesbro) Developmental services: planning teams.** (A-04/20/2010 [html](#) [pdf](#))

**Status:** 06/23/2010-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 4. Noes 1.) (June 22).

**Current Location:** 06/23/2010-S APPR.

2YR/Dead	1st Desk	1st Policy	1st Fiscal	1st Floor	2nd Desk	2nd Policy	2nd Fiscal	2nd Floor	Conf./Conc.	Enrolled	Vetoed	Chaptered

**Calendar Events:**

**Summary:** Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP). This bill would , instead, require a regional center to ensure, at the time of the development, scheduled review, or modification of an IFSP or IPP, that the plan is made pursuant to the relevant statute. This bill contains other existing laws.

**Position:** Support

**Priority:** Letter, Hearing Testimony, & Meet with Legislative Staff

**Notes:**

--On May 27, 2010, the SCDD took a support position, directed staff to write a letter to the bill author and appropriate legislators, provide hearing testimony, and meet with the bill author and appropriate legislators.

--On April 8, 2010, LPPC recommended that SCDD takes a support position, encourages amendments, writes a letter to the bill author and appropriate legislators, provides hearing testimony, and meets with the bill author and appropriate legislators.



**Detail Sheet for:  
Program Development Committee  
(PDC)**

**What is this agenda item about?**

The Program Development Committee had a meeting with People First of California, Inc. on June 30, 2010 to discuss the proposal that was submitted for CPDG Cycle 33.

The PDC was also informed that the first Program Development Fund Taskforce meeting has been scheduled for July 12-13, 2010 to begin working on the policies and procedures for future grant cycles.

**What has the Council done about this so far?**

The committee sent a letter to People First that listed the recommended proposal revisions that need to be completed by June 29, 2010 and brought to the next PDC meeting on, the same date.

After the review the committee approved the proposal and the contract documents were forwarded to People First.

**What needs to be decided at this meeting?**

None, information only.

**What is the committee or staff recommendation?**

None, information only.

**Are there attachments?**

No.





## **Detail Sheet for: Sponsorship Request**

### **What is this agenda item about?**

This sponsorship request is made by Theresa Rossini of Modesto, CA. She is requesting an individual sponsorship for \$999.00 to attend the Office of Special Education Programs OSEP Mega Conference to be held at the Hyatt Regency Hotel Crystal City in Arlington, VA on August 1-4, 2010. This is her first request for a Council sponsorship.

The conference is designed for administrators and other leaders of IDEA early childhood systems and programs. Participants will gain information about current requirements under IDEA for Part C and Part B Section 619, acquire resources to support effective use of data to improve practice, expand relationships and collaborative partnerships with others in policy development and systems improvement, and develop strategies to support family members in leadership roles to strengthen systems for young children with special needs.

### **What has the Council done about this so far?**

Since the beginning of FY 10-11, the Council has not awarded any funds for sponsorship requests. The Council allocates \$25,000 per fiscal year for sponsorships. The fiscal year began July 1, 2010.

### **What needs to be decided at this meeting?**

The Council needs to decide whether or not to approve the request

This detail sheet was prepared by Kristie Allensworth. If there is anything about this detail sheet that you do not understand, please call 916-322-8481 or email [kristie.allensworth@scdd.ca.gov](mailto:kristie.allensworth@scdd.ca.gov)

**What is the committee or staff recommendation?**

Staff has reviewed the documentation submitted by Ms. Rossini and recommends that because the event is not scheduled for California, the Council approve the request.

**Are there attachments?**

Yes. 1.) Ms. Rossini's request 2.) Letter of Support 3.) Conference materials

June 22, 2010

State Council on Developmental Disabilities  
Attention: Parent Sponsorships  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA. 95814

Dear State Council on Developmental Disabilities:

I am contacting you to request a sponsorship in the amount of nine hundred, ninety-nine dollars (\$999.00) to enable me to attend the Office of Special Education Programs OSEP Mega Conference in Arlington, VA on August 1 thru August 5, 2010. This conference, which is held annually, is attended by Part C Coordinators, ICC chairs and parents, service providers, early intervention contractors, family support personnel and other interested parties. The content of the conference focuses on services and supports for infants, toddlers, young children and adolescents under the Individuals With Disabilities Education Act.

I believe that I am more than qualified to represent California at this conference as I am not only the parent of two sons with developmental disabilities, but I have also served as the vice-chair for many years on California's Interagency Coordinating Council on Early Intervention (ICC). I am currently serving as the Chair of the ICC. Besides these qualifications, I am also a working professional in the field of developmental disabilities as I am a practicing speech and language pathologist working with children. My special blend of qualifications would enable me to share an informed dialogue with the other parents and professionals at the OSEP conference as well as bringing back and conveying to my own ICC the new information shared at this important conference.

My estimated budget to attend this conference is 1) registration fees (\$460), 2) Airfare (\$400), 3) hotel (\$149 per night x 4), 4) land costs (\$100) and meals (\$54). I have also applied to the National Early Childhood Technical Assistance Center (NECTAC) for a partial waiver on conference costs (\$249 total) and for hotel costs for one night for this event based on my eligibility as both a parent and membership in the ICC. The approval of this waiver is still in pending with NECTAC.

I hope that you agree that my participation will have a positive impact on early intervention activities in our State, and that you will look favorably upon this request. Attached is a copy of a letter of recommendation. Please contact Patric Widmann, staff to the ICC, at (916) 654-3722 or via email at [Pat.widmann@dds.ca.gov](mailto:Pat.widmann@dds.ca.gov) if you have any questions or need additional information.

Sincerely,

A handwritten signature in purple ink, reading "Theresa A. Rossini", followed by a long horizontal line.

Theresa Rossini  
ICC Vice Chair  
504 Barringham Lane  
Modesto CA 95350

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

1600 NINTH STREET, Room 330, MS 3-8  
SACRAMENTO, CA 95814  
TDD 854-2054 (For the Hearing Impaired)  
(916) 654-2773



June 22, 2010

State Council on Developmental Disabilities  
Attention: Parent Sponsorships  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA. 95814

Dear SCDD Executive Committee:

On behalf of the State Interagency Coordinating Council (ICC) on Early Intervention, I respectfully request your consideration in granting sponsorship to our ICC vice-chair, Theresa Rossini, in the amount of \$999.00 so that she may attend the 2010 National Early Childhood Mega Conference sponsored by the Federal Office of Special Education Program. This annual conference which will be held in Arlington, Virginia, August 1-5, 2010, will be attended by Part C Coordinators, ICC chairs and parents, service providers, Early Intervention contractors, family support personnel and other interested parties.

Mrs. Rossini's unique skill set and personal history, as a parent of two children with developmental disabilities and as a speech therapist, supports the ICC's primary mission and goals in promoting family leadership in policy and system improvement. Her additional experience as vice-chair on the ICC for many years serves to augment an already full-bodied perspective on the early start community. She will lend an informed dialogue and experience at the conference and provide a succinct interpretation of the information she will bring back to our ICC. I could not think of a better parental representative to send on behalf of California.

I humbly recommend that you consider sponsoring Mrs. Rossini so she may attend. If you should have any questions or need further information in order to grant this sponsorship, please contact Patric Widmann, staff to the ICC, at (916) 654-3722 or via email at [Pat.Widmann@dds.ca.gov](mailto:Pat.Widmann@dds.ca.gov).

Sincerely,

*Jannie Smalley*  
for  
RICK INGRAHAM,  
Part C Coordinator

**"Building Partnerships, Supporting Choices"**





# Early Childhood Strand

formerly the National Early Childhood Conference,  
now a part of the OSEP Leadership Mega Conference

**Hyatt Regency Hotel Crystal City, Arlington, VA**  
**August 1-4, 2010**

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## Conference Features

- **Sunday August 1, 2010** – Constituency Group meetings for Part C, 619, ICC representatives and State TA providers (*fees as determined by group*)
- **Monday August 2, 2010** – Early Childhood Sessions (*fees - \$100*)
- **Tuesday August 3, 2010** – Collaborative early childhood meeting for Part C Coordinators, 619 Coordinators and ICC Chairs (*by invitation only*)
- **Wednesday August 4, 2010** – Combined Day – Hear from federal representatives including Secretary Arne Duncan and Assistant Secretary Alexa Posny. Sessions on ARRA (innovative practices, technical guidance, etc.), OSEP technical assistance, early childhood transition and other topics of interest. (*fees \$165*). Participants from all strands are encouraged to attend.

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## Location

This strand is held at the **Hyatt Regency Crystal City in Arlington, VA** following the conference on **Measuring Child and Family Outcomes**. 2799 Jefferson Davis Highway, Arlington, VA 22202.

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## Description

This conference is designed for administrators and other leaders of IDEA early childhood systems and programs. Participants will gain information about current requirements under IDEA for Part C and Part B Section 619, acquire resources to support effective use of data to improve practice, expand relationships and collaborative partnerships with others in policy development and systems improvement, and develop strategies to support family members in leadership roles to strengthen systems for young children with special needs.

---

## Who Should Attend?

The conference is intended for a variety of audiences involved in planning and delivering services to young children with special needs and their families including:

- State Section 619 Coordinators and staff
- State Part C Coordinators and staff
- State ICC chairs, parents and staff
- Early Childhood Projects staff
- National/regional/state/ technical assistance providers
- Partners from the early childhood community, including child care, Early Head Start, MCH, etc.
- OSEP and other federal agency staff
- Parents of children with disabilities and/or special health care needs who have knowledge of IDEA and are serving in leadership positions. Examples include: parent representatives on Special Education Advisory Panels or other advisory boards and representatives from parent training and technical assistance organizations

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## Registration

Registration for all strands of the “Mega” conference will be handled by the Technical Assistance Coordinating Center (TACC) beginning May 2010. For more information, visit <http://www.tadnet.org/home>

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Agenda Item: 9 K  
Date: July 21, 2010  
Meeting: July Council Meeting

## **Detail Sheet for: Waiver Requests**

### **What is this agenda item about?**

California laws and regulations require that the Council and the Area Boards approve waiver requests for the regional center board members who may have an actual or potential conflict of interest when doing their job as board members.

### **What has the Council done about this so far?**

Two waiver requests will be presented to the Council. One submitted by the Redwood Coast Regional Center (RCRC) for Mr. Brian Ward who is a member of the RCRC Board of Directors. He is employed by a vendor of the regional center, "Making Headway". Area Board 1 has approved this request. The other is submitted by Far Northern Regional Center (FNRC) for Ms. Michelle Phillips who is a member of the FNRC Board of Directors. Her sister is employed by a service provider of the regional center, "Parent Infant Program". Area Board 2 has approved this request.

### **What needs to be decided at this meeting?**

The Council needs to determine whether or not to approve these waiver requests.

### **What is the committee or staff recommendation?**

Approve the waivers on the basis of Area Board 1 and Area Board 2 actions.

### **Are there attachments?**

Yes, RCRC and FNRC letters and relevant documents.





# Redwood Coast Regional Center

Respecting Choice in the Redwood Community

June 3, 2010

TO: State Council on Dev. Disabilities  
Area I Board – Attn: Tom Montesonti

FROM: Donna Landry-Rehling  
Executive Assistant, Redwood Coast Regional Center

RE: Conflict of Interest - Request for Waiver for Brian Ward

Enclosed please find a request for a waiver of Conflict of Interest on behalf of Brian Ward, RCDSC Board member.

The RCDSC Board of Directors is hopeful that the Area I Board and State Council on Developmental Disabilities will support this request for a waiver, and that each agency will write a letter to DDS stating so.

Thank you. Please call me at (707) 445-0893, ext. 317, if you have questions.

cc: Alan Smith, DDS  
T. Leighton, President, RCDSC Board of Directors

Enclosures

DL-R



REDWOOD COAST DEVELOPMENTAL  
SERVICES CORPORATION  
BOARD OF DIRECTORS

Providing Services to Del Norte, Humboldt, Lake & Mendocino Counties  
Through  
Redwood Coast Regional Center

**CONFLICT OF INTEREST DISCLOSURE STATEMENT**

NAME: Brian Ward

POSITION: Board Member

(check one):

Governing Board Member ☒  
Regional Center Employee ☐

Type of Submission (check one):

Initial ☒  
Annual ☐  
Other ☐

If Governing Board Member (check one of the following):

☒ Elected Member  
☐ Appointee of the Community Advisory Committee  
☐ Other (specify) \_\_\_\_\_

I HAVE READ STATE REGULATIONS TITLE 17, CALIFORNIA CODE OF REGULATIONS, DIVISION 2,  
CHAPTER 3, SUBCHAPTER 3, ARTICLE 1, UPON WHICH I DECLARE UNDER PENALTY OF PERJURY:  
(check as applicable)

- ☐ 1) No potential conflict of interest exists.  
☐ 2) No present conflict of interest exists.  
☒ 3) A present or potential conflict of interest exists.

If 1 and 2 are checked, sign, date and submit this statement to the regional center's Executive Assistant. Subsequent statements must be submitted within one year of this filing, earlier if the conflict of interest status changes. If either 1 or 2 is not checked, or if 3 is checked, the additional information required pursuant to these regulations must accompany this statement. Sign and date this statement and submit everything to the regional center's Executive Assistant.

Brian Ward  
Signature  
5-26-10  
Date

-----  
This space to be filled out by regional center or its  
Governing board, as appropriate.

Reviewed by: \_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

Approved by: \_\_\_\_\_  
Name (print)

\_\_\_\_\_  
Signature

Date \_\_\_\_\_

/dl





REDWOOD COAST DEVELOPMENTAL  
SERVICES CORPORATION  
BOARD OF DIRECTORS



Providing Services to Del Norte, Humboldt, Lake & Mendocino Counties  
Through  
Redwood Coast Regional Center

REQUEST FOR WAIVER FORM

I, the undersigned, have reviewed and applied the statutes and regulations concerning conflict of interest determinations to my personal and business affairs and now believe that I have a potential [*present or potential*] conflict of interest.

I have disclosed and described the potential [*present or potential*] conflict of interest in the conflict of interest disclosure statement filed by me on 5/26/10 [*date*]. A copy of my disclosure statement is attached hereto.

I am now requesting that the potential [*present or potential*] conflict of interest be waived. In support of my request for waiver, I suggest the following plan of action to resolve the potential [*present or potential*] conflict of interest.

[*Describe suggested plan for resolution of conflict*]: I am serving as  
a board member for a vendor of the Regional Center,  
Making Headway and will not share confidential  
information between agencies.

While this request for waiver is under review, I suggest that the following limitations be placed on my position, which will enable me to avoid actions involving the conflict of interest.  
[*Describe suggested limitations during review period*]:

I will not vote on financial or budget concerns  
for Making Headway.

Dated:

5-26-10

(Print Full Name)

Brian Ward  
(Signature)

Attachment  
RCDSC - DL 7/00



## AREA I DEVELOPMENTAL DISABILITIES BOARD

P.O. BOX 245, UKIAH, CALIFORNIA 95482-0245

PHONE (707) 463-4700  
CALNET 553-4700  
FAX (707) 463-4752

**COPY**

June 22, 2010

Alan Smith  
Community Services Division  
Department of Developmental Services  
1600 Ninth Street, Room 320 (3-9)  
Sacramento, CA 95814

Re: Redwood Coast Developmental Services Corporation's Request for Waiver

Dear Alan,

The Area One Developmental Disabilities Board received a request for waiver from the Redwood Coast Developmental Services Corporation. A waiver was requested for the following individual: Brian Ward

The Area One Board has reviewed the data sent to us on Mr. Ward, and supports the granting of this waiver. He has served this board with distinction in the past and we are confident that he will continue with his excellent representation.

I have attached the information sent to us, and would be happy to answer any questions or speak to any of your concerns.

Thank you for your attention to this matter.

Sincerely,

Tom Montesonti  
Executive Director

Cc: Clay Jones  
Donna Landry-Rehling  
ABI Board Members

Enclosures

Far Northern Coordinating Council  
on Developmental Disabilities  
P.O. Box 492418  
Redding, California 96049-2418

Butte  
Glen  
Lassen  
Modoc  
Plumas

Shasta  
Siskiyou  
Tehama  
Trinity  
www.farnorthernrc.org

April 15, 2010

Area II Board  
1367 E. Lassen Ave., #B3  
Chico, CA 95926

Attention: Robin Keehn

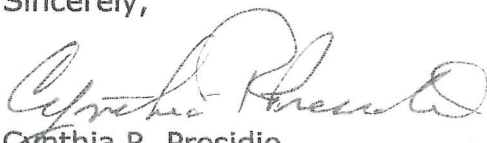
Re: Conflict of Interest Waiver

Dear Dick:

Enclosed, please find a copy of the letter sent to Maria Pena of the Department of Developmental Services. This letter is in regards to a Conflict of Interest for Michelle Phillips, a board member of the Far Northern Regional Center Board of Directors. Please review this letter and forward your decisions to Ms. Pena within twenty (20) calendar days, pursuant to §54524, Title 17, Division 2.<sup>1</sup>

Thank you for your cooperation.

Sincerely,



Cynthia R. Presidio  
Executive Assistant/Board Secretary

<sup>1</sup> California Code of Regulations  
Title 17, Division 2

Chapter 3 - Community Services

SubChapter 3 - Regional Center Administration Practices and Procedures

Article 1 - Regional Center Conflict of Interest Standards and Procedures

§54524. Response to Requests for Waiver.

a) Within twenty (20) calendar days after the area board in the area and the State Council receive copies of a request for waiver packet regarding a regional center governing board member, the area board in the area and the State Council, respectively, shall provide to the Department their written approval or disapproval of such request. The Department may not approve the request for waiver of a regional center governing board member without the approval of both the area board in the area and the State Council.





## Far Northern Regional Center

Providing services and supports which allow persons with developmental disabilities to live productive and valued lives.

Laura Larson  
Executive Director

April 15, 2010

Maria Pena  
Dept. Of Developmental Services  
1600 Ninth Street  
Sacramento, CA 95814

Dear Maria:

FNCC Board member, **Michelle Phillips**, has a conflict of interest according to Section 54520, Title 17, California Code of Regulations. Specifically, **Ms. Phillips' sister** is employed at the Parent Infant Program, a service provider of Far Northern Regional Center.

At this time, this letter serves as the Request for Waiver as prescribed by Section 54522 of the above referenced regulation. It is requested the waiver be granted for a period of one year, providing the following conditions are met:

1. **Michelle Phillips** shall abstain from voting on all matters relevant to the conflict of interest situation;
2. **Michelle Phillips** shall not participate in the preparation, presentation, formulation or approval of reports, plans, policies, analyses, opinions or recommendations regarding the conflict of interest situation when the exercise of judgment is required and the purpose is to influence the decision; and
3. **Michelle Phillips** shall not be involved in the negotiation, obligation, or commitment of the regional center to a course of action involving the conflict of interest situation.

The Board Chairperson, with support from remaining Board members, shall be responsible for ensuring that the conditions stated herein are applied and monitored.

Please contact me should you have questions concerning this matter. I look forward to your response.

Sincerely,

  
Laura L. Larson  
Executive Director

LL/cp

Enclosure

cc: Area II Board  
State Council  
FNCC Executive Committee  
Michelle Phillips

[www.farnorthernrc.org](http://www.farnorthernrc.org)

Michelle Phillips  
412 Papst  
Orland, CA 95963

April 2, 2010

Ms. Laura Larson  
Executive Director  
Far Northern Regional Center  
P. O. Box 4924181  
Redding, California 96049

Re: Conflict of Interest

Dear Ms. Larson:

I am notifying you of the conflict of interest I may have with my position as a member of the Far Northern Coordinating Council board.

My sister, Julie, works at the Parent Infant Program, a vendor of Far Northern Regional Center.

I will refrain from voting on any issue that may occur during any FNCC board meeting that I may be attending.

Thank you for your consideration.

Sincerely,

  
Michelle Phillips



## Area 2 Board

State Council on  
Developmental  
Disabilities

BUTTE June 16, 2010

GLENN Maria Pena  
Dept. of Developmental Services  
1600 Ninth Street  
SACRAMENTO, CA 95814

LASSEN

Dear Maria:

MODOC This is in regards to the request from Far Northern Regional Center to the Department of Developmental Disabilities to grant a waiver to the Conflict of Interest, Sec 54520, for Michelle Phillips.

PLUMAS At the June 10, 2010 Area 2 Board meeting, the board voted unanimously to approve the Conflict of Interest waiver for Michelle Phillips.

Sincerely,

SISKIYOU

SHASTA Robin Keehn,  
Executive Director  
Area 2 Board

TEHAMA Cc: Laura Larson  
Laurie Hoirup  
Michelle Phillips

Attachments





**Detail Sheet for:  
Area Board Council Representative Reports**

**What is this agenda item about?**

Area Board Council Representative Reports that are submitted every two months to summarize some of the activities of the Area Boards as they relate to Highlights, Advocacy, Community Participation and the Local Concerns.

**What has the Council done about this so far?**

The Council initially requested a standard reporting format for the Area Board Council Representatives to use for ease in understanding and to provide a window of activities going on in the local areas.

**What needs to be decided at this meeting?**

Informational item, no decisions necessary.

**What is the committee or staff recommendation?**

Read, review, enjoy and ask questions if necessary. Share with your Boards.

**Are there attachments?**

Yes, the Area Board Reports.



## ***SCDD Council Area Board 1 Member Report***

**Name: Patty O'Brien**

**Reporting Date: 6-25-10**

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

1. Highlights (activities that have had a positive affect on your community or individual):

- The Interagency Transition Team held their annual panel for the transition age students and families. The event gave the 50 attendees and panel members the opportunity to learn about various services. Panel members included representatives from the Social Security Administration, Regional Center, Area Board, various supported living, employment and day programs.
- Area Board staff and Board members attended the Community Advisory Committee IEP training.
- The 2009-2010 C. Raymond Hudson Awards recipients were announced.
- Area Board 1 staff attended the Transition Graduation Ceremony. Area Board 1 continues to be a Workability site and will have a new student for the summer semester.
- The Area Board Mini-Grant recipients have received their funds and are working to complete their project proposals. The agencies and the clients have expressed their gratitude to the Area Board/State Council for the grant funds and are looking forward to reporting back to the Board regarding the project outcomes.

2. Advocacy (activities that advocate for Systems Change or an individual):

- Area One Board continues to provide individual advocacy on difficult and specific cases that are systemic in nature.



## ***SCDD Council Member Report***

**Name:** Area 2 Board

**Reporting Date:** July 2010

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

### **1. Highlights (activities that have had a positive effect on your community or individual):**

Facilitated self-advocate "Drug & Alcohol Team" presentations to FNRC Service Coordinators, as well as, consumers at the PFCA and Region 2 People First conferences. Co-sponsored with the SCDD Mini-Grant Tehama County Coordinating Council's 1<sup>st</sup> "Emergency Preparedness Fair" and a sold out viewing of "The Horse Boy" movie. Assisted AB3 with the new QA project as requested. Conducted many activities celebrating the "20<sup>th</sup> Anniversary" of the ADA including: collecting and mailing signed "Resolution of Recommitment" to the national event; getting cities of Red Bluff, Corning, as well as, Tehama County Board of Supervisors signatures; and, submitting "Letter to the Editor" in 9 Co. local newspapers. Our "Groups & Events" flyer was e-mailed June 1<sup>st</sup> to 150+ individuals/agencies.

### **2. Advocacy (activities that advocate for Systems Change or an individual):**

The Board approved its Strategic Plan at their June 9-10 meeting and began work on various projects including the "Welcome Home" with Region 2 People First.

### **3. Legislative and Public Policy Advocacy (activities that provide public officials, public entities, and local constituencies information about legislation and public policy):**

Continue participation on a "No. Ca. State Budget Alliance" including: "Media" trainings, weekly e-mails and "Teach In" tabling events in Chico.

## *SCDD Council Member Report*

Name: Area Board 5

Reporting Date: July 2010

**1. Highlights (activities that have had a positive effect on your community or individual):**

- a. Area Board 5 held a "Celebration of Self Advocacy" to acknowledge self advocates who are leaders and mentors. The Consumer Action Committee of a local program and three other self advocates received awards as well as certificates from legislators. Magic Makers, a local music group with musicians who have disabilities performed some fantastic music. Over 100 people attended.
- b. Represented SCDD on the DDS Budget Advisory Group. Participated in the ad hock committee on respite. We are pleased that DDS heard the issue for families who use camp as an important part of respite and DDS has clarified for regional centers that, if the family needs out of home respite, camping can be a venue to provide this service..
- c. Keynote address at an employer recognition event by a local service provider
- d. Area Board 5 has completed four more Third Party Interviews as part of the Agnews closure Quality management System. After these 4 homes, there are only seven more homes to be surveyed under this contract.
- e. Continue to provide support and facilitation to Bay Area People First and 6 chapters.
- f. Planning is underway for the 2010 GG Self Advocacy conference to take place September 22
- g. Planning team member for Congreso Familiar to take place August 14. Area Board 5 is a major sponsor.
- h. As of June 30, Area Board 5 has completed 152 NCI surveys



## **SCDD Area Board 6 Report**

### **Reporting Date: MAY-JUNE 2010**

Provide a paragraph about the following topics as they relate to your Board catchment area; If there has been no activity for the past two months, leave the space blank. This report should involve the Executive Director, and any or all Board members and staff that have participated. The approved Area Board activities can be those conducted by the entire Board or a single Board member or staff.

#### ***1. Highlights (activities that have had a positive affect on your community or individuals):***

- Participated in Calaveras County SSTAC meeting to determine unmet transportation needs.
- Participated in Stanislaus County Transition Task Force meetings.
- Participated in San Joaquin County Transition Task Force meeting.
- Participated in Tuolumne County SELPA CAC meeting.
- Provide technical support to the Supported Living, Supported Employment, Residential Service Providers and Day Program network meetings.
- Attended and provided technical support to the Self Advocacy Council VI at the PFCA Conference.
- Provided training to 8 new service coordinators.
- Facilitated the presentation to retiring DSPS director and CHOICES committee founding member- Karen Andersen.

#### ***2. Advocacy (activities that advocate for Systems Change or an individual):***

- Provided advocacy for a family/individual in state level mediation with VMRC re respite services.
- Provided advocacy for an individual in the planning team process with VMRC.
- Provided advocacy to an individual diagnosed with Autism and his family in the IEP process at a high school in Manteca.
- Telephone support to 20 individuals and families requesting information re Special Education and regional center services.
- Provided advocacy support at an IEP for and individual transitioning out of high school.
- Provided advocacy support during IPP meeting regarding discontinuance of transportation services.
- Provided advocacy support and suggestions to a family who began as a vendored day service for their son.

## ***SCDD Council Member Report***

**Name:** Area Board 9 **Reporting Date:** May and June 2010

**Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan.**

**1. Highlights (activities that have had a positive affect on your community or individual):**

- Area Board presented webinars on IEP assessments with Ann Simuns and Jane DuBovy. This was not only offered in our local community but opened up to others in the State. Ann Sumuns presentation was on Behavioral Assessments and Interventions, this was offered twice due to demand. Jane DuBovy's presentation was on IEP and Due Process. Both were very well attended.
- As per the strategic plan the development of the non-profit began with Board member's identified and initial paperwork started. The name has been registered and we are awaiting approval to start the next step.
- Participated in the Central Coast Caucus in preparation for a legislative reception.
- Area Board has participated in the training, implementation of the QA project in our local community. The interviews have started.
- Autism taskforce will be conducting a Path for future activities in the tri-counties. Area Board is coordinating the event. Area board is also developing and distributing a survey to determine community need and concern.
- Area Board is developing, with local community members a legislative breakfast for the southern county.

**2. Advocacy (activities that advocate for Systems Change or an individual):**

- Individual advocacy provided to families who have been notified of changes to respite, behavioral services and



## ***SCDD Council Member Report***

**Name:** Marcia Good **Reporting Date:** July 2010

**1. Highlights (activities that have had a positive effect on your community or individual):**

The Self-Advocacy Board of Los Angeles County was awarded a mini-grant from Area Board 10 to produce a consumer friendly resource guide for free or low cost services in L.A. County. The resulting guide, titled "Bandaging the Budget", was printed in both English and Spanish and is being disseminated throughout L.A., to Family Resource Centers, Self-Advocacy Groups, CACs etc. We are very proud of their successful product. (Pass around a sample of the guide)

The launch of the new Quality Assessment Project has been very labor intensive. With seven regional centers encompassed by Area Board 10, our staff/interviewers are expected to complete 350 interviews per month on average. We've made an exceptionally efficient start but are currently hamstrung by software problems outside of our control.

**2. Advocacy (activities that advocate for Systems Change or an individual):**

Area Board 10 staff provided individual advocacy assistance to 34 parents (15 of whom are monolingual Spanish speaking) who had concerns about their child's educational services and to 4 families with a child receiving Early Start services.

Staff provided individual advocacy assistance to 24 individuals with community support service needs (6 of whom are Spanish speaking).

Staff delivered one presentation in Spanish regarding special education advocacy strategies to an audience of 22 parents.

## **SCDD Council Member Report**

### **AREA BOARD XI**

**Name: Michael E. Bailey**

**Reporting Date: July 2010**

**Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan.**

**1. Highlights (activities that have had a positive affect on your community or individual):**

- ❖ In May, ABXI testified before the Saddleback Valley Unified School District re: the critical importance of maintaining the district's adult education program, the funding for which is in jeopardy due to severe budget cuts. The program, which serves approximately 550 students with disabilities, is the only one of its kind in South Orange County and offers adult education classes in self-advocacy, assertiveness training, nutrition, exercise, relationship training, ILS, and more.
- ❖ ABXI staff were invited to present ABXI's training, "Funding Sources for AT", for a webinar hosted by Goodwill/ATEC and Lanterman Regional Center in June.
- ❖ ABXI successfully advocated, informally with a city attorney, for a young woman with epilepsy who had been denied participation in the city's parks and recreation junior lifeguard training program.

**2. Advocacy (activities that advocate for Systems Change or an individual):**

- ❖ Continued support of monthly meetings of People First of Orange County. Members hosted a presentation by the ADA Eligibility Administrator for the Orange County Transportation Authority and have invited PFCA's Outreach Coordinator to speak at their July meeting.
- ❖ Advocacy and technical assistance, which include attending IEPs, IPPs, and other meetings related to education, community placement, regional center eligibility/services and supports, access to community services, housing, health care, quality assurance, and employment



**Name: Area Board 12**

**Reporting Date: July 2010**

**1. Highlights (activities that have had a positive effect on your community or individual):**

- Coordinating upcoming meetings with stakeholders regarding Employment First Initiative. We will be working with consumers, families, business leaders, Department of Rehabilitation, Employment Programs, schools, colleges and other key agencies to implement the Employment First Initiative on a local level.
- Completed the Strategic Plan and is currently posted for comments from the community.
- Staff participates in the planning for Disability Mentoring Day.
- In collaboration with People First of CA, a new chapter of People First was created in the Victorville area. Eleven self-advocates were trained.

**2. Advocacy (activities that advocate for Systems Change or an individual):**

- Provided Individual advocacy to 34 individuals regarding the appeals process with Inland Regional Center, school related issues, conservatorship, eligibility and intake. This included:
  - 2 IPP meetings
  - 4 meetings with families to assist with Due Process Issues
  - 9 meetings with families to assist with Hearing Preparations
  - 1 meeting with consumer and service provider to resolve service issues.
- Area Board 12 continues to work with TASK to provide additional advocacy to our community.
- Staff and Board Chairperson met with the new Executive Director of Inland Regional Center to discuss community concerns related to IRC policies and practices.

**3. Legislative and Public Policy Advocacy (activities that provide public official, public entities, and local constituencies information about legislation and public policy)**

- Held two (2) "town hall" meetings with the community to discuss important local and state issues, current legislation and public policy, and preserving the Lanterman Act.

**4. Outreach/Community Event Participation (Involvement in activities/events to outreach to the community):**

- Staff attended Rubidoux Community Resource Center Fair
- Staff attended 504 and IEP training

**SCDD Council Member Report**  
**Area Board XIII**  
**May/June 2010**

Please provide a paragraph about the following topics as they relate to the people you represent; if there has been no activity for the past two months, leave the space blank. The following topics are suggested. Please report on activities as they relate to the State Plan and SCDD contract activities.

**1. Highlights (activities that have had a positive affect on your community or individual):**

- Participate and facilitate monthly planning meetings for the 2010 San Diego People First Self-Advocacy Conference. Assisted in implementation of the 20<sup>th</sup> annual self advocacy conference. 430 people registered for the event.
- Provided facilitation in preparing for the San Diego People First business meeting with 22 individuals in attendance.
- Participate as co-chairperson for the Violence Prevention Task Force. Attended community outreach training on Domestic Violence in Imperial Valley.
- Assisted representative to People First of California prepare for the quarterly meeting.
- Participate on the SDRC-CAC currently the members are continuing to learn strategies on how to be effective board members.
- Collaborated with Disability Rights CA on a Disaster Preparedness training held in June. 23 people attended the training.
- Participated in training on Treating the Challenging Child- A collaborative Problem Solving Approach to serving individuals with challenging behaviors.
- Participated in an ability awareness training for Park and Recreation staff in El Centro for their summer inclusion program – 25 people were in attendance
- Staff participated in ability awareness/sensitivity training with one 2<sup>nd</sup> year pediatric medical resident through Operation House Call



## AREA BOARD VI- May-June 2010 Report

### Photos from Resolution Presentation to Kathy Barnes



Assemblyman Bill Berryhill honors Kathy.



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### Photos from the PFCA Statewide Conference in Sacramento



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### Photo of presentation to Karen Andersen- founding member of the CHOICES Institute and Director of DSPS at San Joaquin Delta College.

